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# federal register

Wednesday  
April 3, 1991

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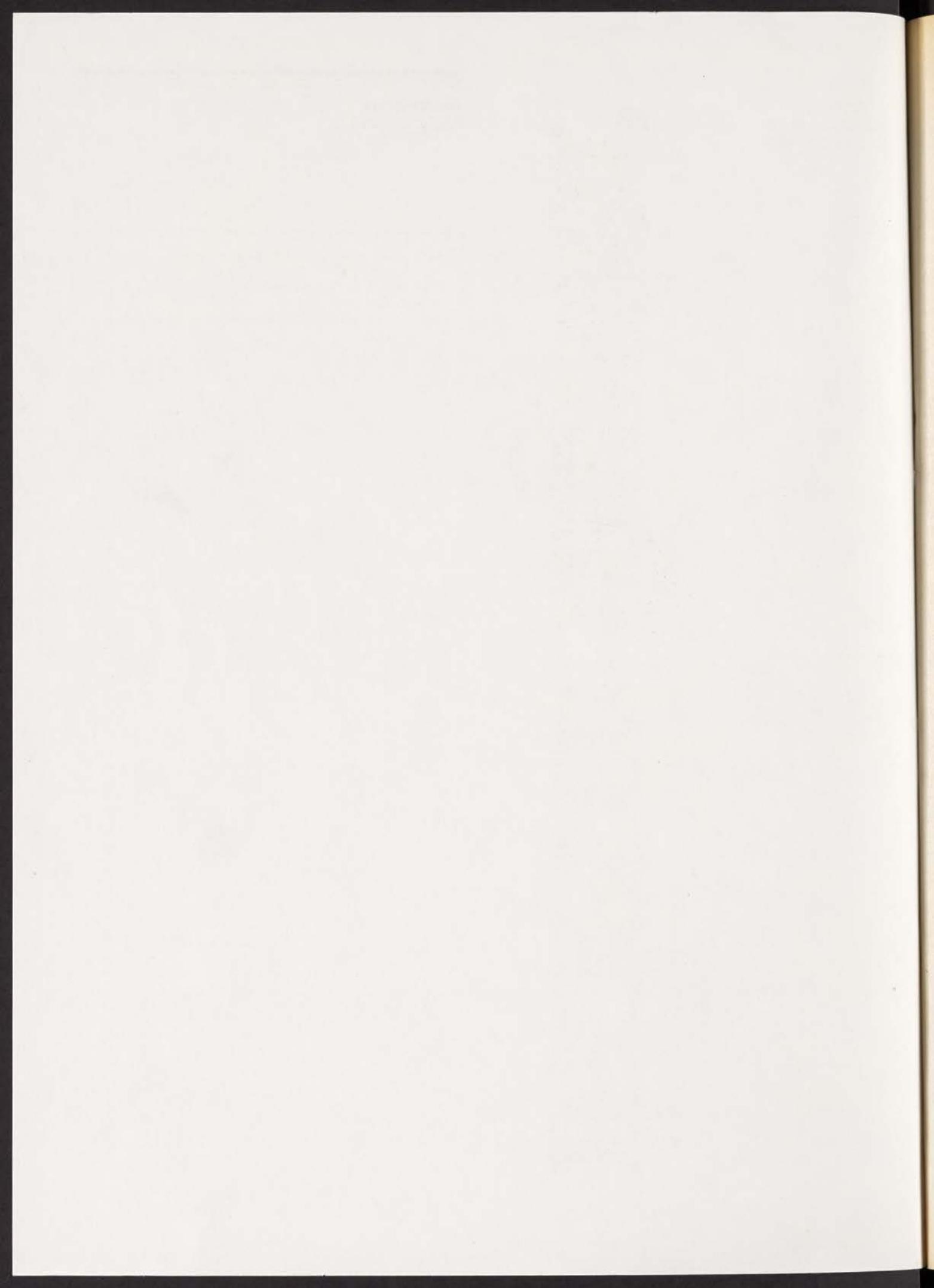
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Wednesday  
April 3, 1991

# Federal Register

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### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### MIAMI, FL

- WHEN:** April 18:  
1st Session 9:00 am to 12 noon.  
2nd Session 1:30 pm to 4:30 pm
- WHERE:** 51 Southwest First Avenue  
Room 914  
Miami, FL
- RESERVATIONS:** 1-800-347-1997

### CHICAGO, IL

- WHEN:** April 25, at 9:00 am
- WHERE:** 219 S. Dearborn Street  
Conference Room 1220  
Chicago, IL
- RESERVATIONS:** 1-800-366-2998

### WASHINGTON, DC

- WHEN:** May 23, at 9:00 am
- WHERE:** Office of the Federal Register  
First Floor Conference Room  
1100 L Street, NW, Washington, DC
- RESERVATIONS:** 202-523-5240 (voice); 202-523-5229 (TDD)

**NOTE:** There will be a sign language interpreter for hearing impaired persons at the May 23, Washington, DC briefing.

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# Rules and Regulations

Federal Register

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Wednesday, April 3, 1991

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 315 and 316

RIN 3206-AE49

#### Noncompetitive Appointment of Certain Former Overseas Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Final regulations.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) is issuing final regulations under the authority of Executive Order 12721 of July 30, 1990. These final regulations reduce the length of Federal service (to 52 weeks) that working family members of U.S. civilian and military personnel assigned overseas must complete in order to qualify for subsequent appointment to competitive service positions upon their return to the United States. The regulations also permit eligible individuals to qualify for Stateside appointments until January 1, 1994, or within 3 years of returning to the United States. Further, the regulations permit OPM (or agencies under delegated authority) to waive up to 26 weeks of the 52-week service requirement in emergency situations as defined by OPM.

**EFFECTIVE DATE:** May 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell, (202) 606-0399.

**SUPPLEMENTARY INFORMATION:** On October 23, 1990, OPM published (at 55 FR 42697) interim regulations making it easier for working family members of U.S. Government military and civilian personnel returning from overseas to get Federal jobs in the States. We received four comments on the interim regulations, one of which endorsed the regulations as written. Another commenter opposed the reduction in the service requirement from 18 to 12

months as an undue advantage to military spouses who already are entitled to spouse preference under Public Law 99-145. We believe the reasons in favor of the 12-month requirement outweigh this concern.

A third commenter questioned whether non-citizens could be appointed under the Executive order and whether there would be preferential treatment for family members in subsequent career ladder promotions. Executive Order 12721 authorizes the noncompetitive appointment only of citizens and those who owe permanent allegiance to the United States; individuals appointed under the order would have to compete with other employees for promotion. The same commenter suggested the regulation change take effect after the current Administration ends to prevent favoritism for relatives of political appointees. The vast majority of individuals who benefit from this program are spouses of military personnel, Department of Defense civilians, and career Foreign Service employees.

The fourth commenter suggested a provision for reducing the required service below 12 months when extenuating circumstances prevented the family member from completing his or her overseas employment. We have adopted this suggestion in large part and have, therefore, added an authority for OPM (or an agency under delegated authority) to waive a portion of the required overseas service in emergencies. The type of emergencies justifying a waiver would not, however, include personal situations such as ill health or individual interest. One additional change was made in the interim regulations. To achieve consistency with other regulations, we are expressing the amount of required overseas service in weeks (52) rather than months (12).

#### E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects Federal employees.

#### List of Subjects in 5 CFR Parts 315 and 316

Government employees.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is adopting as final its interim regulations under parts 315 and 316 of title 5, Code of Federal Regulations, published on October 23, 1990, at 55 FR 42697, with the following amendment:

#### PART 315—CAREER AND CAREER- CONDITIONAL EMPLOYMENT

1. The authority citation for part 315 continues to read as follows:

**Authority:** 5 U.S.C. 1302, 3301, and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; §§ 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652; §§ 315.602 and 315.604 also issued under 5 U.S.C. 1104, Pub. L. 95-454, sec. 3(5); § 315.603 also issued under 5 U.S.C. 8151, Pub. L. 93-416; § 315.605 also issued under E.O. 12034, 43 FR 1917, Jan. 13, 1978; § 315.606 also issued under E.O. 11219, 3 CFR 1964-1965 Comp., p. 303; § 315.607 also issued under 22 U.S.C. 2506, 93 Stat. 371, E.O. 12137, 22 U.S.C. 2506, 94 Stat. 2158; § 315.608 also issued under E.O. 12721; § 315.610 also issued under 5 U.S.C. 3304(d), Pub. L. 99-588; § 315.710 also issued under E.O. 12596, 52 FR 17537; Subpart I also issued under 5 U.S.C. 3321, E.O. 12107.

2. In § 315.608, paragraph (a)(1) is revised and paragraph (g) is added to read as follows:

#### § 315.608 Noncompetitive appointment of certain former overseas employees.

(a) \* \* \*

(1) Has accumulated 52 weeks of creditable overseas service in an appropriated fund position(s) under a local hire appointment(s) within any 10-year period beginning after January 1, 1980, except as provided in § 315.608(g).

(g) The Office of Personnel Management may approve, and may delegate to agencies the authority to approve, waivers of up to 26 weeks of the 52-week service requirement. The request for waiver must be signed by the head of the agency (or designee) which employed the family member overseas and must certify that the family member's expected 52 weeks of employment were cut short because of an emergency situation which necessitated the relocation of family

members back to the United States. A request for waiver because of emergency situations may cover one or more family members and may be submitted before or after the family member(s) leave the overseas area. For this purpose, emergency situations include conflict or other conditions such as terrorism or the threat of terrorism in the overseas area where the family members are employed as well as the deployment of family members' spouses (or parents) to an area of conflict. Emergencies do not include personal situations such as ill health or individual interest in relocating. The request must include a description of the emergency situation. Requests for delegated authority must also be signed by the head of the agency employing family members in the overseas area.

[FR Doc. 91-7799 Filed 4-2-91; 8:45 am]

BILLING CODE 6325-01-M

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 401

[Amendment No. 62; Doc. No. 8244S]

#### General Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) amends the General Crop Insurance Regulations (7 CFR part 401), effective for the 1991 and succeeding crop years by deleting a subsection which provides that FCIC does not insure against losses caused by flooding on any unit subject to a water flowage easement. The intended effect of this rule is to equalize terminology in the General Crop Insurance Regulations with respect to availability of crop insurance in acreage located between a body of water and a flood control structure.

**DATES:** This rule is effective April 3, 1991. Written comments on this interim rule must be submitted not later than June 3, 1991, to be sure of consideration.

**ADDRESSES:** Written comments on this Interim Rule should be sent to Peter F. Cole, Secretary, Federal Crop Insurance Corporation, room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1992.

James E. Cason, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC herewith amends the General Crop Insurance Regulations (7 CFR part 401), effective for the 1991 and succeeding crop years, to delete subparagraph 1.b.(4), thus equalizing the terminology making crop insurance available on land described as being between a body of water and a primary flood control structure.

On Thursday, May 11, 1989, FCIC published a final rule in the *Federal Register* at 54 FR 20370, amending the General Crop Insurance Regulations (7 CFR part 401) by deleting subparagraph 1.b.(5), which provided that insurance is not available against losses caused by flooding on land located between any

body of water and a primary flood control structure, because FCIC determined that, since flood risk is many times included in the rating formula and sufficient records had been amassed upon which to make informed actuarial determinations, the restricting language in subparagraph 1.b.(5), in the General Crop Insurance Regulations prohibiting this coverage, would be removed.

Subparagraph 1.b.(5), deleted in the final rule, stated that \* \* \* "(We do not insure against any losses caused by:)" \* \* \* (5) Flooding on any unit located between any body of water and a primary flood control structure for that body; \* \* \*"

The final rule published at 54 FR 20370, neglected to delete a companion reference, subparagraph 1.b.(4), immediately preceding the deletion, that refers to a cause of loss not insured against; flooding on any unit subject to a flood or water flowage easement.

Since acreage located between a body of water (river) and a primary flood control structure for that body of water (levee), is now insurable, it follows that acreage subject to a flood or water easement should also be insurable.

To delete subparagraph 1.b.(5) and not subparagraph 1.b.(4) is counterproductive and misleading to policyholders and crop insurance agents. James E. Cason, Manager, FCIC, has determined that an emergency situation exists which warrants immediate steps be taken to prevent possible program confusion and misunderstanding by removing subparagraph 1.b.(4) without providing a period for public notice and comment. Therefore, notwithstanding the provisions of 5 U.S.C. 553, with respect to public notice and comment, and in view of the reasons set forth herein, good cause is shown for making this rule effective upon publication in the *Federal Register*.

FCIC is soliciting written comments on this rule for 60 days following publication in the *Federal Register*. Written comments should be sent to Peter F. Cole, Secretary, Federal Crop Insurance Corporation, room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250. This rule will be scheduled for review so that any amendment made necessary by public comment may be published in the *Federal Register* as quickly as possible.

Written comments received pursuant to this rule will be available for public inspection and copying in Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

**List of Subjects in 7 CFR Part 401**

Crop insurance, General.

**Interim Rule**

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the General Crop Insurance Regulations (7 CFR part 401), effective for the 1991 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR part 401 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

**§ 401.8 [Amended]**

2. 7 CFR 401.8(d) is amended by removing subparagraph 1.b.(4) and redesignating subparagraphs (5) through (8) as (4) through (7), respectively.

Done in Washington, DC on March 27, 1991.

James E. Cason,  
Manager, Federal Crop Insurance  
Corporation.

[FR Doc. 91-7808 Filed 4-2-91; 8:45 am]

BILLING CODE 3410-06-M

**Agricultural Marketing Service****7 CFR Part 1007**

[DA-91-004]

**Milk in the Georgia Marketing Area; Order Suspending Certain Provisions of the Order**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

**SUMMARY:** This action suspends for the months of March through August 1991 certain requirements that must be met to qualify milk for pooling under the Georgia milk order. Specifically, the action suspends the requirement that 10 days' production of a producer's milk be received at a pool plant, the restriction that a cooperative association may divert only milk of member producers, and the 25-percent limit on the amount of milk that may be diverted by handlers.

The suspension was requested by a cooperative association representing producers who supply some of the fluid milk needs of the Georgia market. The action is needed to ensure that dairy farmers who have been historically associated with the market will continue to have their milk pooled and priced under the order.

**EFFECTIVE DATE:** April 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Constance M. Brenner, Marketing

Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-2089.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding:

Notice of Proposed Suspension: Issued February 22, 1991; published February 28, 1991 (56 FR 8284).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria in Executive Order 12291, and has been determined to be a "non-major" rule.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Georgia marketing area.

Notice of proposed rulemaking was published in the Federal Register on February 28, 1991 (56 FR 8284) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. Comments were filed by six interested parties.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of March through August 1991, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1007.13, paragraphs (b)(2), (4) and (5).

**Statement of Consideration**

Southern Milk Sales, Inc. (SMS), an association of producers that supplies some of the market's fluid milk needs and handles some of the market's reserve milk supplies, requested the suspension of the order's "touch-base" and diversion limitation provisions in order to maintain the pool status of its

producers that historically have been associated with the Georgia market. For the months of March through August 1991, the suspension removes the requirement that not less than 10 days' production of each producer's milk be received at a pool plant. Also, the restriction that a cooperative association may divert only the milk of its member producers and the percentage limits on the aggregate amount of milk that cooperatives and pool plant operators may divert to nonpool plants are suspended for the same months.

SMS diverted 22.4 percent of its producer milk to manufacturing plants in January 1991, a month when the market's supply/demand balance generally is fairly tight. Also, a pool distributing plant that is supplied by the proponent cooperative recently has increased the amount of milk it buys from independent producers, and is expected to replace even more of the cooperative's milk with nonmember supplies as milk production increases seasonally.

A further complication in the orderly marketing of milk under the Georgia order is resulting from the February 11, 1991, Chapter 11 bankruptcy filing by the Finevest Corporation, which operates a number of milk processing plants in the southeastern United States. The Finevest action could cause major marketing problems for handlers in the Southeast as they attempt to maintain the pool status of their producers during the next several months.

The SMS proposal was supported by two cooperative associations, Associated Dairy Farmers, Inc., and the National Farmers Organization; and Kinnett Dairies Inc., the operator of a proprietary plant; who are handlers under the Georgia order. The commentators generally agreed with proponent that this action is needed to prevent the emergence of disorderly marketing conditions over the next several months.

In its comments, SMS agreed that the suspension should apply to the order's limit on diversions by pool plant operators as well as cooperatives. Kinnett supported the suspension on condition that the same treatment apply to both pool plant operators and cooperative associations. It is likely that proprietary handlers will be facing the same pooling problems as cooperatives in maintaining the pool status of their producers' milk during the months of March through August 1991. Therefore, the percentage limits applicable on diversions by pool plant operators and

cooperatives are suspended for such months.

The action was opposed by Dairymen, Inc. (DI), a cooperative association which supplied 26 percent of the milk pooled under the Georgia order in January. DI took the position that the suspension is unnecessary because the reasons upon which SMS based its request are not valid. DI argued that the market's Class I use for September 1990 through January 1991 was only 3 percentage points below the same period a year earlier. The co-op stated that the lower Class I use percentage this year is primarily the result of surplus milk that had been associated with other markets being pooled under the Georgia order by SMS and other handlers. However, the market's lower Class I utilization was not cited by SMS as a reason to support its proposal nor is it used as a basis for this action.

DI argued that SMS did not divert 22 percent of its milk to nonpool plants in January 1991 because some of the diverted milk was received at a manufacturing plant located at Carrollton, Georgia, which was a pool plant in January 1991. The point is that 22 percent of the proponent cooperative's milk was delivered to manufacturing plants, and that there may not be a fluid market for 75 percent of the cooperative's, and other handlers', milk supplies.

Although the Georgia market has an average Class I use of 73 percent, some handlers will operate above that average and some below it. Because of that variation, changes in marketing conditions such as possible loss of a Class I outlet due to bankruptcy and seasonal production increases will impact handlers differently. For that reason, the marketwide Class I use data could mask serious pooling problems that are being experienced by certain handlers.

DI also contended that the Finevest bankruptcy has not caused major milk marketing disruptions for handlers, who have been able to maintain the pool status of their producers. DI claimed that it would be inappropriate to justify this action on speculation that a major fluid handler's financial problems could cause pooling problems, and took the position that the provisions should not be suspended until there is evidence of specific marketing problems. The Finevest proceeding is not the primary justification for this action. However, it is an additional factor that could cause pooling problems in the spring and summer months for Georgia handlers.

Two individual producers objected to the suspension. They contended that the action would not benefit small

independent dairy farmers, but only cooperative associations. On the contrary, the aspect of this suspension that would allow cooperative associations to market the milk if nonmember producers would facilitate the pooling of the nonmember's milk of some nonmember producers lose their regular customers. In this way, nonmember producers would be able to continue to have their milk marketed as nonmember production while they attempt to find new buyers for their milk.

One of the dairy farmers also complained that the amount of time provided for interested parties to comment on the action was too short. The comment period was limited to 7 days because a longer period would not have provided the time needed to complete the required procedures in time to include March in the suspension. Even with the short comment period, it was not possible to complete the required procedures and include February in the suspension period as requested. Therefore, the provisions are suspended for the months of March through August 1991.

Despite the objections of DI and the two dairy farmers, the provisions of the Georgia order that require at least 10 days of each producer's milk production to be received at pool plants each month, limit the amount of a handler's milk supply that may be diverted to nonpool plants to 25 percent of the handler's milk supply that is physically received at pool plants, and limit a cooperative association's ability to divert producer milk to the milk of its member producers, should be suspended for the months of March through August 1991. It is expected that handlers will need the additional marketing flexibility provided by this suspension for the months of March through August 1991 to deal with changing marketing conditions that could make continued pool qualification of milk supplies historically associated with the Georgia market difficult without unnecessary and uneconomic marketing practices.

The integrity of the order will be protected to the extent necessary during the suspension period by the provisions of the Georgia order's base plan. Seasonal bases were established during the months of September 1990 through January 1991 for producers under the Georgia order. Such bases will be used to pay producers for their milk deliveries during the months of February through August 1991. Milk pooled under the order during this period that exceeds producers' earned base will be paid for at the excess, or approximately Class III, price. This feature of the base plan will

eliminate any incentive for handlers to pool the milk of dairy farmers under the Georgia order if such producers did not earn Georgia Federal order bases during the preceding months when milk supplies for the Georgia market were short relative to Class I demand.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that the action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. Three comments were filed in opposition to this action and the issues raised therein are dealt with in the statement of consideration.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

#### List of Subjects in 7 CFR Part 1007

Milk marketing orders.

It is therefore ordered, that the following provisions in § 1007.13 of the Georgia order are hereby suspended for the months of March through August 1991.

#### PART 1007 [AMENDED]

1. The authority citation for 7 CFR part 1007 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

#### § 1007.13 [Suspended in part]

2. In § 1007.13, paragraphs (b)(2), (4) and (5) are suspended for the period March 1, 1991 through August 31, 1991.

Signed at Washington, DC, on: March 26, 1991.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 91-7766 Filed 4-2-91; 8:45 am]

BILLING CODE 3410-02-M

**FEDERAL DEPOSIT INSURANCE CORPORATION****12 CFR Part 326**

RIN 3064-AA77

**Minimum Security Devices and Procedures****AGENCY:** Federal Deposit Insurance Corporation.**ACTION:** Final rule.

**SUMMARY:** The FDIC, in coordination with the other Federal financial institution supervisory agencies, has reviewed subpart A of part 326 and determined that it is appropriate to revise the regulation to reflect changes in the technology of security devices, and to implement certain changes made by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). The revision incorporates some of the amendments made to the Bank Protection Act of 1968 (12 U.S.C. 1881-1884) by FIRREA and provides the flexibility to avoid the technical obsolescence that occurred with the existing regulation.

**EFFECTIVE DATE:** The final rule is effective May 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Roger A. Hood, Assistant General Counsel, (202) 898-3681, Legal Division, or Eugene Seitz, Review Examiner, Special Activities Section, Division of Supervision, (202) 898-6793, FDIC, 550 17th Street NW., Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:****Paperwork Reduction Act**

The collection of information contained in this rule has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act [44 U.S.C. 3501 et seq.] under control number 3064-0095, said clearance in effect through November 30, 1993.

The estimated annual reporting burden for the collection of information in the regulations is summarized as follows:

*Number of Respondents:* 8,700.

*Number of Responses Per Respondent:*

1.

*Total Annual Responses:* 8,700.

*Hours Per Response:* 0.5.

*Total Annual Burden Hours:* 4,350.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Assistant Executive Secretary (Administration), room F-400, Federal Deposit Insurance Corporation, Washington, DC 20429, and to the Office

of Management and Budget, Paperwork Reduction Project (3064-0099), Washington, DC 20503.

**Regulatory Flexibility Act Analysis**

Pursuant to section 605(b) of title 5, United States Code (the Regulatory Flexibility Act, 5 U.S.C. 1988 ed. sections 601-612), the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Small entities already are required to comply with the security standards established in the existing regulation, and this amendment provides for more flexibility in devising security programs, which should help minimize the existing costs to the institutions. The amendment also replaces required reports to the government with annual reports to the bank's board of directors, which should ease the regulatory burden on small institutions.

**Discussion**

The Bank Protection Act of 1968 requires the Federal financial institution supervisory agencies to establish minimum standards for security devices and procedures to discourage financial-type crime and to assist in the identification of persons who commit such crimes. To implement this statute a uniform regulation was adopted in 1969 by each of the supervisory agencies—Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Home Loan Bank Board (now known as the Office of Thrift Supervision), and the FDIC. With the exception of minor, nonsubstantive changes in 1981, this regulation has not been modified since it was first adopted. On September 11, 1990 the FDIC, along with the other financial institution supervisory agencies, requested comment on a proposed revision of part 326. (55 FR 38079, September 17, 1990.)

The FDIC received a total of thirteen comments on the proposed changes to subpart A of part 326 of the FDIC Rules and Regulations. Seven of these comments were received from banks; three were received from trade associations; two were received from manufacturers of security equipment; and one was received from a firm specializing in security training. The overall response to the changes was supportive, with twelve of the comments expressing general support for the revisions, while only one of the comments was not supportive. Four of the banks suggested even broader elimination of specific requirements. Three of the banks suggested that the definition of the term "branch" be amended so that certain special service

offices, such as loan production offices, would not be required to install the minimum security devices required by the regulation. The three trade associations generally supported the changes with one suggesting that the required training cover officers as well as employees. One of the two manufacturers of security equipment endorsed the changes while the other opposed them. The opposing comment expressed concern that the elimination of minimum security standards could cause security in banks to retrogress to pre-1968 conditions and expose banks to unnecessary risks.

Appendix A of the current regulation contains specific requirements for security devices. FDIC is eliminating these detailed specifications in the revised regulation to avoid the necessity of constantly updating required security devices due to changes in technology. The revised regulation requires each bank to designate a security officer to administer a written security program which would require, at a minimum, that four specific security devices be installed, but leaves the selection of appropriate additional security devices to the discretion of the security officer and the bank's board of directors. In this way the most up-to-date equipment available that meets the requirements of the particular bank may be chosen. Due to the wide variation in the levels of risk at each bank, it is not believed appropriate to specify any particular additional security device(s) as mandatory. Security officers wishing guidance in the selection of appropriate security devices may consult with local law enforcement authorities or other security professionals, and/or they may refer to Underwriters Laboratory ("UL") approval or American National Standards Institute ("ANSI") standards as a substitute for Appendix A. With the approval of the bank's board of directors, each security officer would be expected to ascertain the level of risk at his/her bank, develop an appropriate security program, and arrange for the installation of appropriate security devices, taking into consideration bonding company requirements and applicable industry standards such as those prescribed by UL or ANSI.

Three comments suggested a change in the definition of the term "branch" in the regulation, stating that the required minimum security devices were unnecessary and too costly for loan production offices and special service facilities. The term "branch" is defined, in part, as any banking office where deposits are received or checks paid or money lent (Emphasis supplied). The

definition used in § 326.1(c) was taken from section 3 of the Federal Deposit Insurance Act, and no change is considered necessary. Offices where loans are neither approved nor funds disbursed do not meet the definition of a branch and, therefore, are not subject to the requirements of the regulation. Other types of facilities where deposits are received or checks paid or money lent would, however, be covered by the definition, and the minimum security requirements would apply. Each bank's board of directors should keep in mind that the purpose of this regulation is to ensure that banks take appropriate measures to protect the safety of bank employees and to protect bank-owned valuables from robberies, burglaries and larcenies.

The revised regulation requires four specific security devices: a secure space for cash, a lighting system for illuminating the vault; an alarm system; and tamper resistant locks on exterior doors and windows. The security officer of each bank should undertake a thorough review of the security risks at each office to determine which security devices may be appropriate, taking into consideration the regulation's minimum requirements and the physical characteristics of the office.

Appendix B of the current regulation contains guidelines for proper employee conduct during and after a robbery. Although many of the guidelines remain appropriate, specific requirements may become obsolete. Therefore, it is believed appropriate to eliminate appendix B from the revised rule. The elimination of appendix B from the regulation does not, however, preclude any bank from making copies of the guidelines to keep for training and reference. Guidelines for proper employee conduct during and after a robbery are also readily available from a number of private sources.

Section 326.2 of the current regulation states that within 30 days after issuance of federal deposit insurance, the board of directors of each insured nonmember bank shall designate a security officer who shall have the authority, subject to the approval of the board of directors, for immediately developing and administering a written security program to protect the bank from robberies, burglaries, and larcenies and to assist in identifying and apprehending persons who commit such crimes. Since this requirement has been a part of the regulation since its adoption in 1969, it is believed that existing banks and proponents of new banks are sufficiently aware of the requirement to designate a security officer and that a

30-day "grace period" is unnecessary. It is also believed that the regulation should specify a more definite time frame for the development and administration of the bank's security program. The proposed final rule has been amended to require that a security officer be designated immediately upon issuance of federal deposit insurance and that the security program be in effect no later than 180 days from that date.

Section 326.4(b)(4) of the current regulation requires that currency at each teller's station or window include "bait money". After a review of comments, it was determined that current terminology should be used to describe "bait money", and that other terms proposed in the new § 326.3(a)(2)(iii) may be too restrictive. Therefore, in the final rule, § 326.3(a)(2)(iii) has been changed to "pre-recorded serial-numbered bills, or chemical or electronic devices" to reflect current terminology and to allow for use of a broader range of devices to aid in the identification and prosecution of persons committing crimes against the institution.

Section 326.4(b)(9) of the current regulation requires that the bank's security program provide for the training, and periodic retraining, of employees in their responsibilities under the security program, including proper use of security devices and proper employee conduct during and after a robbery. This same requirement is found in § 326.3(a)(3) of the proposed amendments. The FDIC received one comment expressing concern that the proposed training requirements did not specifically include officers. The regulatory agencies believe that proper employee conduct after burglaries and larcenies also should be addressed in the training program. Therefore, § 326.3(a)(3) has been amended in the final rule to indicate that officers should be included in the required training, and that the training include proper employee conduct during and after robberies, burglaries and larcenies.

When requesting comments on the proposed amendments to subpart A of part 326, FDIC also proposed to eliminate the annual report of compliance prepared by each insured nonmember bank as of the last business day of June of each year. FDIC Form 6140/03, or a substantially equivalent statement, has been used for this purpose. To ensure that a bank's security program continues to be reviewed on a regular basis, the amended regulation requires the security officer to report to the bank's board of directors at least annually on

the implementation, administration and effectiveness of the program. As with any report to the board of directors, this annual report should be made a part of the minutes.

Following is a section-by-section analysis showing the modifications to the existing regulation:

#### *Section 326.0 Authority, Purpose, and Scope*

This section has been rewritten to emphasize the responsibility of a bank's board of directors to ensure that the bank adopts and maintains appropriate security procedures.

#### *Section 326.1 Definitions*

This section has been revised in a manner consistent with other changes made in this final rule. Definitions of "banking hours" and "teller's station or window" have been deleted.

#### *Section 326.2 Designation of Security Officer*

Only minor changes have been made in this section.

#### *Section 326.3 Security Program [formerly "Security Devices"]*

The concept of the security officer surveying the need for security devices is contained in new § 326.2. The required minimum security devices for each bank are set forth in this section (§ 326.3(b)(1)-(5)), with the addition of a requirement for a secure space to protect cash or other liquid assets. Also appropriateness considerations are now covered in § 326.3(b)(5).

This section previously contained language allowing a bank not to comply with the specifics of the regulation so long as it preserved a statement of the reasons in its records. Because the specificity of the regulation has been eliminated, this language has been deleted. Finally, the substance of previous provisions on security procedures in the former § 326.4 has been incorporated in this section.

#### *Section 326.4 Reports [formerly § 326.5]*

The requirement for filing reports regularly with the regulatory agency has been changed to require annual reports to the bank's board of directors. The requirement of internal recordkeeping of external crimes is now a suggested procedure under § 326.3(a)(2). The requirement for special reports whenever requested by the regulatory agency has been eliminated as unnecessary because an agency can obtain such reports through its regular supervisory powers.

Finally, former § 326.6 on corrective action has been eliminated because it is covered under the agency's supervisory authority to prevent unsafe and unsound practices. Similarly, the former § 326.7 on civil money penalties has been eliminated as unnecessary because it is contained in the statute and need not be set forth in the regulation.

In addition, both appendices A and B of the former regulation have been deleted. Appendix A was considered to be too specific and had become obsolete. Any specific new requirements would also have to be updated with advances in technology. Therefore, the draft regulation has been changed to be very general, with the requirement that the bank determine what is the best means of protecting itself and identifying criminals.

Appendix B concerns actions to be taken by employees in the case of a robbery. This has been deleted because it is included in the list of suggested procedures to be established under the security program required by § 326.3(a).

The final rule eliminates the need for information that the FDIC currently requires insured nonmember banks to submit in the Report of Compliance with the Bank Protection Act (FDIC 6140/03). The FDIC therefore discontinues this Report.

#### List of Subjects in 12 CFR Part 326

Banks, Banking, Bank deposit insurance, Insured nonmember banks, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble, title 12, part 326 of the Code of Federal Regulations is amended as follows:

#### PART 326—[AMENDED]

1. The authority citation for part 326 continues to read as follows:

Authority: 12 USC 1813, 1815, 1817, 1818, 1819 [Tenth], 1881-1883; 31 USC 5311-5324.

2. Subpart A of part 326 is revised to read as follows:

#### Subpart A—Minimum Security Procedures

- Sec.  
326.0 Authority, purpose, and scope.  
326.1 Definitions.  
326.2 Designation of security officer.  
326.3 Security program.  
326.4 Reports.

#### Subpart A—Minimum Security Procedures

##### § 326.0 Authority, purpose, and scope.

(a) This part is issued by the Federal Deposit Insurance Corporation ("FDIC") pursuant to section 3 of the Bank Protection Act of 1968 (12 U.S.C. 1882). It

applies to insured state banks that are not members of the Federal Reserve System. It requires each bank to adopt appropriate security procedures to discourage robberies, burglaries, and larcenies and to assist in identifying and apprehending persons who commit such acts.

(b) It is the responsibility of the bank's board of directors to comply with this part and ensure that a written security program for the bank's main office and branches is developed and implemented.

(Approved by the Office of Management and Budget under control number 3064-0095)

##### § 326.1 Definitions.

For the purposes of this part—

(a) The term *insured nonmember bank* means any bank, including a foreign bank having a branch the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, which is not a member of the Federal Reserve System. The term does not include any institution chartered or licensed by the Comptroller of the Currency, any District bank, or any savings association.

(b) The term *banking office* includes any branch of an insured nonmember bank, and, in the case of an insured state nonmember bank, it includes the main office of that bank.

(c) The term *branch* for a bank chartered under the laws of any state of the United States includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any state or territory of the United States, District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands or the Virgin Islands at which deposits are received or checks paid or money lent. In the case of a foreign bank, as defined in 12 CFR 346.1(a), the term "branch" has the meaning given in 12 CFR 346.1(d).

##### § 326.2 Designation of Security Officer.

Upon the issuance of federal deposit insurance, the board of directors of each insured nonmember bank<sup>2</sup> shall designate a security officer who shall have the authority, subject to the approval of the board of directors, to develop, within a reasonable time, but no later than 180 days, and to administer a written security program for each banking office.

<sup>2</sup> The term "board of directors" includes the managing official of an insured branch of a foreign bank for purposes of 12 CFR 326.0-326.4.

##### § 326.3 Security program.

(a) *Contents of security program.* The security program shall:

(1) Establish procedures for opening and closing for business and for the safekeeping of all currency, negotiable securities, and similar valuables at all times;

(2) Establish procedures that will assist in identifying persons committing crimes against the bank and that will preserve evidence that may aid in their identification and prosecution; such procedures may include, but are not limited to:

(i) Retaining a record of any robbery, burglary, or larceny committed against the bank;

(ii) Maintaining a camera that records activity in the banking office; and

(iii) Using identification devices, such as prerecorded serial-numbered bills, or chemical and electronic devices;

(3) Provide for initial and periodic training of officers and employees in their responsibilities under the security program and in proper employee conduct during and after a robbery, burglary or larceny; and

(4) Provide for selecting, testing, operating and maintaining appropriate security devices, as specified in paragraph (b) of this section.

(b) *Security devices.* Each insured nonmember bank shall have, at a minimum, the following security devices:

(1) A means of protecting cash or other liquid assets, such as a vault, safe, or other secure space;

(2) A lighting system for illuminating, during the hours of darkness, the area around the vault, if the vault is visible from outside the banking office;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery or burglary;

(4) Tamper-resistant locks on exterior doors and exterior windows that may be opened; and

(5) Such other devices as the security officer determines to be appropriate, taking into consideration:

(i) The incidence of crimes against financial institutions in the area;

(ii) The amount of currency or other valuables exposed to robbery, burglary, and larceny;

(iii) The distance of the banking office from the nearest responsible law enforcement officers;

(iv) The cost of the security devices;

(v) Other security measures in effect at the banking office; and

(vi) The physical characteristics of the structure of the banking office and its surroundings.

**§ 326.4 Reports.**

The security officer for each insured nonmember bank shall report at least annually to the bank's board of directors on the implementation, administration, and effectiveness of the security program.

**Appendixes A and B to Part 326 [Removed]**

3. Appendixes A and B to part 326 are removed.

By Order of the Board of Directors.

Dated at Washington, DC, this 26th day of March 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[FR Doc. 91-7548 Filed 4-2-91; 8:45 am]

BILLING CODE 6714-01-M

**SMALL BUSINESS ADMINISTRATION****13 CFR Part 107**

[Rev. 6, Amdt. 6]

**Small Business Investment Companies; Management and Private Capital Requirements**

**AGENCY:** Small Business Administration.  
**ACTION:** Final rule.

**SUMMARY:** On October 2, 1990 SBA published as an interim final rule several amendments to the regulations governing the Small Business Investment Company (SBIC) and Specialized Small Business Investment Company (SSBIC) program. These regulatory changes were designed to increase minimum capital requirements for SBICs and SSBICs (collectively Licensees) and to ensure the objectivity and impartiality of the valuation of investments made by SBICs and SSBICs. They were designed to protect SBA's exposure with respect to Government funds and guarantees it makes available to such entities (Leverage). They took effect immediately upon publication with respect to new applicants for licenses to act as SBICs or SSBICs, and prospectively with respect to applications in-house on the effective date and Licensees which had been licensed as of the effective date. SBA invited public comments upon these interim final rules. SBA hereby publishes these final rules which reflect SBA's final position on the means for establishing valuation of investments by Licensees. Final rules dealing with minimum capital requirements will be published at a later date after further consideration of relevant alternatives.

**DATES:** These regulations are effective

April 3, 1991. However, comments on these rules will be accepted and reviewed at part of SBA's ongoing evaluation of its regulatory function.

**ADDRESSES:** Written comments should be addressed to Bernard Kulik, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., Code 6410, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Joseph L. Newell, Director, Office of Investment, Telephone (202) 205-6510.

**SUPPLEMENTARY INFORMATION:** On June 29, 1990, the Small Business Administration announced by notice a 90 day moratorium on the approval for new licenses for Small Business Investment Companies (SBICs) licensed pursuant to section 301(c), 15 U.S.C. 681(c), of the Small Business Investment Act and Specialized Small Business Investment Companies (SSBICs) licensed pursuant to section 301(d) of the same Act. (55 FR 26803). The notice indicated that SBA would use the moratorium period to review criteria under which SBIC and SSBIC licenses are issued as well as other program regulations. While that review was still ongoing, SBA determined that there was an immediate need to implement new regulatory requirements in two areas in order to permit uninterrupted program operations after the expiration of the moratorium while satisfying SBA's need to reduce its fiscal vulnerability. These two areas involve the requirements for minimum private capital invested in a SBIC or SSBIC by its owners and the composition of the bodies which perform the valuations of the investments of SBICs and SSBICs.

With respect to the former area of concern, SBA is continuing its evaluation of relevant information and expects to publish a final rule in the future.

With respect to the latter area of concern addressed by the interim final rule, SBA recognized that under applicable standards SBICs and SSBICs are responsible for valuing their investments. SBA was desirous of ensuring that the valuation of investments made by SBICs and SSBICs is accurately and impartially determined by responsible persons within the companies. In an attempt to ensure this to the maximum extent possible, SBA imposed new requirements regarding the composition of boards of directors and valuation committees which generally perform such valuations.

Thus, in the case of a corporate Licensee a minimum 5 member Board of Directors was required and no less than 40% of its membership was required to be independent from or not otherwise

affiliated with the Licensee. In the case of an Unincorporated Licensee with a corporate general partner, the Board of Directors of the corporate general partner was required to have at least 5 members, 40% of whom are unaffiliated with or not otherwise related to the Licensee or the corporate general partner. In the case of an Unincorporated Licensee which does not have a corporate general partner, a valuation committee consisting of at least 5 members, 40% of whom are independent of and not otherwise affiliated with the partnership was required. For Licensees at the time of publication of the interim final rule and for Licensees which would become licensed based upon applications in-house prior to the effective date of that rule, the regulatory requirements were to take effect 6 months from the date of publication in order to afford an adequate opportunity for compliance. For applicants which filed applications subsequent to the effective date of the interim final regulation, the regulation was binding upon publication.

SBA offered the public ample opportunity to comment on the interim final regulations. With respect to the portion of the interim final regulation dealing with the composition of the Board of Directors or valuation committees, SBA has been persuaded by the comments received that the approach taken in the interim final rule is impractical. It is, therefore, withdrawing that portion of the rule.

In this regard, SBA received 93 comments on this portion of the rule. All objected on the basis that the rule would unnecessarily increase costs for Licensees in the form of increased directors fees and/or increased officers and directors liability insurance premiums. Furthermore, it was persuasively argued that outside directors would be in no better position to value assets than interested parties.

SBA accepts the position taken by the Licensees. We will rely on the effect of other relevant regulations dealing with auditing and financial reporting requirements for the desired result. Therefore, this portion of the interim final rule is hereby revoked.

**Compliance with Executive Orders 12291 and 12612, and the Regulatory Flexibility and Paperwork Reduction Acts***Executive Order 12291 and the Regulatory Flexibility Act*

SBA has determined that these regulations will not constitute a major rule for purposes of Executive Order 12291, because they are not likely to

have an annual impact on the national economy of \$100 million or more. In this regard, these regulations will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12612

SBA certifies that these final regulations have no federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

#### Paperwork Reduction Act

For purposes of the Paperwork Reduction Act, 44 U.S.C., ch. 35, we hereby certify that these regulations will impose no new recordkeeping requirements.

These final regulations represent the result of an exhaustive analysis of the comments received on the interim final rules. Thus, while they differ from the interim final rule in some respects, SBA takes the position that further notice and comment is not required. These regulations respond to an immediate need to ensure that the disposition of government funds is adequately protected, and SBA's interest is not unnecessarily disrupting industry operation. Therefore, these final regulations are effective upon publication. However, SBA is soliciting public comments on them and will consider those comments in the development of future final rules on the matter.

#### List of Subjects in 13 CFR Part 107

Investment companies, Loan programs/business, Reporting and recordkeeping requirements, Small businesses.

#### PART 107—SMALL BUSINESS INVESTMENT COMPANIES

For the reasons set forth above, part 107 of title 13, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 107 continues to read as follows:

Authority: Title III of the Small Business Investment Act, 15 U.S.C. 681 et seq., as amended, Pub. L. 100-590 and Pub. L. 101-162, 15 U.S.C. 687(c); 15 U.S.C. 683, as amended by Pub. L. 101-162; 15 U.S.C. 687(d); 15 U.S.C. 687g; 15 U.S.C. 687b; 15 U.S.C. 687m, as amended by Pub. L. 100-590.

#### § 107.3 [Amended]

2. In § 107.3, the term *Licensee* is amended by removing after the first sentence the following: "In order to be eligible for Leverage pursuant to these regulations, all Corporate Licensees (including Corporate Section 301(d) Licensees) shall have at least a 5 member board of directors of which at

least 40% of the members are independent of and not otherwise affiliated with the Licensee; *Provided however*, That this requirement shall not immediately apply to any Licensee licensed before the effective date of this requirement; nor to any license applicant whose application was on file with SBA before the effective date of this requirement, nor with respect to any License granted on the basis of such application. Any such Licensee or applicant shall have six months from the effective date of this requirement to comply with this requirement."

#### § 107.4 [Amended]

3. Section 107.4(b)(2) is amended by removing the following two sentences at the end thereof: "In order to be eligible for *Leverage* pursuant to these regulations, a Limited Partnership SBIC with a Corporate General Partner shall insure that the Corporate General Partner shall have at least a 5 member board of directors of which at least 40% of the members are independent of and not otherwise affiliated with the Unincorporated Licensee or the Corporate General Partner; *Provided*, however, that this requirement shall not immediately apply to any Licensee licensed before the effective date of this requirement; nor to any license applicant whose application was on file with SBA before the effective date of this requirement, nor with respect to any license granted on the basis of such application. Any such Licensee or applicant shall have six months from the effective date of this regulation to comply with this requirement."

#### § 107.4 [Amended]

4. Section 107.4(b)(3) is amended by inserting the word "and" before (iii) and a period after the word "succession", and by removing the following after the word succession: "; and (iv) in order to be eligible for *Leverage* pursuant to these regulations, if the partnership does not have a Corporate General Partner it shall have a valuation committee of at least 5 members, at least 40% of whom are independent and not otherwise affiliated with the partnership, *Provided however*, That this requirement shall not immediately apply to any Licensee licensed before the effective date of this requirement; nor to any license applicant whose application was on file with SBA before the effective date of this requirement; nor with respect to any license granted on the basis of such application. Any such Licensee or applicant shall have six months from the effective date of this requirement to comply with this requirement."

Dated: March 20, 1991.

Susan Engeleiter,

Administrator.

[FR Doc. 91-7701 Filed 4-2-91; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 90-AEA-15]

#### Alteration of Transition Area; Butler, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This notice modifies the 700 foot Transition Area established for the Butler County Airport at Butler, PA, due to the revision of air traffic control procedures in the area and the cancellation of a Standard Instrument Approach Procedure (SIAP) based upon an air navigation facility which is no longer in service. Additionally, the current geographic position and actual airport name are being incorporated into the description. This action returns that amount of controlled airspace no longer required by the FAA, to contain aircraft operating under instrument flight rules, back to the public.

**EFFECTIVE DATE:** 0901 u.t.c. May 2, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

#### SUPPLEMENTARY INFORMATION:

##### History

On November 28, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the 700 foot Transition Area established at Butler, PA, due to a review of air traffic control procedures and the cancellation of a SIAP based upon an air navigation facility which is no longer in service. Additionally, the geographic position and actual airport name were to be incorporated into the description to reflect the actual location and name of the Butler County Airport, Butler, PA (55 FR 53004). The proposed action would return that amount of controlled airspace not needed by the FAA to contain aircraft operating under instrument flight rules, back to the public.

Subsequent to the issuance of the proposal, the criteria utilized in determining the dimensions of controlled airspace were changed. The new criteria result in a smaller dimension for controlled airspace in the Butler, PA, area as opposed to that described in the proposed notice. The FAA finds that this additional proposed reduction in controlled airspace does not alter the intent of the original proposed action. The additional reduction has been incorporated into this notice.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments on the proposal were received. Except for editorial changes and the reduction in the amount of controlled airspace, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G, September 4, 1990.

#### The Rule

This amendment to part 71 of the Federal Aviation Regulations revises the 700 foot Transition Area established at Butler, PA, due to a review of air traffic control procedures in the area and the cancellation of a SIAP based upon an air navigation facility which is no longer in service. Additionally, the airport name and location are being updated to reflect the actual name and geographic location of the Butler County Airport, Butler, PA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal

Aviation Regulations (14 CFR part 71) is amended as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.181 [Amended]

2. Section 71.181 is amended as follows:

#### Butler, PA [Revised]

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the center, lat. 40°46'37" N., long. 79°57'00" W., of the Butler County Airport, Butler, PA.

Gary W. Tucker,

Manager, Air Traffic Division.

[FR Doc. 91-7786 Filed 4-2-91; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### 26 CFR Part 301

[T.D. 8250]

RIN 1545-AM62

#### Administrative Appeal of the Erroneous Filing of Notice of Federal Tax Lien; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains a correction to the temporary regulations (T.D. 8250) which were published in the Federal Register for May 8, 1989, (54 FR 19568) providing for the administrative appeal of the erroneous filing of a notice of Federal tax lien established by the Technical and Miscellaneous Revenue Act of 1988.

EFFECTIVE DATE: May 8, 1989.

FOR FURTHER INFORMATION CONTACT: Dale Goode, 202-566-3486 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

#### Background

The temporary regulations that are the subject of these corrections, amended the Procedure and Administration Regulations (26 CFR part 301) under section 6326 of the Internal Revenue Code reflecting the amendment by

section 6238 of the Technical and Miscellaneous Revenue Act of 1988.

#### Need for Correction

As published, the temporary regulations contain an error which may prove to be misleading and is in need of clarification.

#### PART 301—PROCEDURE AND ADMINISTRATION

Accordingly, 26 CFR part 301 is corrected by making the following correcting amendment:

1. The authority for part 301 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 \*\*\* Section 301.6326-1T is issued under 26 U.S.C. 6326.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 91-7782 Filed 4-2-91; 8:45 am]

BILLING CODE 4830-01-M

#### Office of Foreign Assets Control

#### 31 CFR Part 575

#### Iraqi Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule; List of specially designated nationals of the Government of Iraq; List of vessels registered, owned or controlled by the Government of Iraq.

SUMMARY: The Iraqi Sanctions Regulations (the "Regulations") are being amended to add a new appendix A and a new appendix B to the end thereof. Appendix A contains the list of Individuals and Organizations Determined to be Within the Term "Government of Iraq" (Specially Designated Nationals of Iraq). The list at Appendix A contains the names of companies and individuals which the Director of the Office of Foreign Assets Control has determined are acting or purporting to act directly or indirectly on behalf of the Government of Iraq. Appendix B contains the names of merchant vessels registered, owned, or controlled by the Government of Iraq. These lists may be expanded or amended at any time.

EFFECTIVE DATE: April 3, 1991.

ADDRESSES: Copies of these lists are available upon request at the following location: Office of Foreign Assets Control, U.S. Department of the Treasury, Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:**

Richard J. Hollas, Chief, Enforcement Section, Office of Foreign Assets Control, Tel.: (202) 566-5021.

**SUPPLEMENTARY INFORMATION:** The Iraq Sanctions Regulations, 31 CFR part 575 (56 FR 2112, Jan. 18, 1991, the "Regulations") were issued by the Treasury Department to implement Executive Orders No. 12722 and 12724 of August 2 and August 9, 1990, in which the President declared a national emergency with respect to Iraq, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act (22 U.S.C. 287c), and ordered specific measures against the Government of Iraq.

Section 575.306 of the Regulations defines the term "Government of Iraq" to include:

(a) The state and the Government of Iraq, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Iraq;

(b) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(c) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date, acting or purporting to act directly or indirectly on behalf of any of the foregoing; and

(d) Any other person or organization determined by the Director of the Office of Foreign Assets Control to be included within this section.

Determinations that persons fall within this definition are effective upon the date of determination by the Director, Office of Foreign Assets Control ("FAC"). Public notice is effective upon the date of publication or upon actual notice, whichever is sooner.

This rule adds appendix A to part 575 to provide public notice of a list of persons, known as "specially designated nationals" of the Government of Iraq. The list consists of companies and individuals whom the Director of the Office of Foreign Assets Control has determined to be owned or controlled by or to be acting or purporting to act directly or indirectly on behalf of the Government of Iraq, and thus fall within the definition of the "Government of Iraq" contained in § 575.306 of the Regulations. The persons included in appendix A are subject to all prohibitions applicable to other components of the Government of Iraq. All unlicensed transactions with such

persons, or in property in which they have an interest, are prohibited.

The list of specially designated nationals is a partial one, since FAC may not be aware of all the persons located outside Iraq that might be owned or controlled by the Government of Iraq or acting as agents or front organizations for Iraq, and which thus qualify as specially designated nationals of the Government of Iraq. Therefore, persons engaging in transactions may not rely on the fact that any particular person is not on the specially designated nationals list as evidence that it is not owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Iraq. The Treasury Department regards it as incumbent upon all U.S. persons to take reasonable steps to ascertain for themselves whether persons they enter into transactions with are owned or controlled by the Government of Iraq or are acting or purporting to act on its behalf, or on behalf of other countries subject to blocking (at present, Cambodia, Cuba, Libya, North Korea, and Vietnam).

This rule also adds appendix B to part 575 to provide public notice of a list of merchant vessels which the Director of the Office of Foreign Assets Control has determined to be registered, owned, or controlled by the Government of Iraq or by persons acting or purporting to act directly or indirectly on behalf of the Government of Iraq, pursuant to § 575.306 of the Regulations. The merchant vessels included in appendix B constitute blocked property in which the Government of Iraq has an interest, and are subject to all the prohibitions applicable to the Government of Iraq. No U.S. person may engage in any unlicensed transaction involving these vessels.

The list of Government of Iraq-flagged, owned, or controlled vessels is a partial one, since FAC may not be aware of all merchant ships registered, owned, or controlled by the Government of Iraq or by persons located outside Iraq that may be acting as agents or front organizations for Iraq who fall within the definition of "Government of Iraq." Therefore, persons engaging in transactions may not rely on the fact that any particular vessel is not on the list as evidence that it is not owned or controlled by the Government of Iraq. The Treasury Department regards it as incumbent upon all U.S. persons to take reasonable steps to ascertain for themselves whether such vessels are registered, owned, or controlled by Iraq or by other countries subject to blocking or transportation-related restrictions (at

present, Cambodia, Cuba, Libya, North Korea, and Vietnam).

Section 586E of the Iraq Sanctions Act of 1990, contained in the Foreign Operations Authorization and Appropriations Act of 1990, dated November 5, 1990, 104 Stat. 1979, provides for civil penalties not to exceed \$250,000 for violations of the Regulations and fines of up to \$1,000,000 and imprisonment for up to 12 years for willful violations of the Regulations. In addition, section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b)) provides for the forfeiture of any property involved in a violation of the Regulations.

**List of Subjects in 31 CFR Part 575**

Banks, Banking, Exports, Imports, Iraq, Kuwait, Loans, Penalties, Reporting and recordkeeping requirements.

1. The authority citation for part 575 continues to read as follows:

**Authority:** 50 U.S.C. 1701 *et seq.*; 50 U.S.C. 1601 *et seq.*; 22 U.S.C. 287c; Public Law 101-513, 104 Stat. 2047-55 (Nov. 5, 1990); 3 U.S.C. 301; E.O. 12722, 55 FR 31803 (Aug. 3, 1990); E.O. 12724, 55 FR 33089 (Aug. 13, 1990).

2. Appendices A and B to part 575 are added to read as follows:

**Appendix A—Individuals and Organizations Determined to Be Specially Designated Nationals of the Government of Iraq**

Please note that addresses of companies and persons may change. The addresses listed below are the last ones known to the Office of Foreign Assets Control. Where an address is not listed or someone wishes to check for latest address information, the Office of Foreign Assets Control will assist with any updated information in its possession.

**Companies**

1. Admincheck Limited, 1 Old Burlington Street, London, England, United Kingdom
2. Advanced Electronics Development, Ltd., 3 Mandeville Place, London, England, United Kingdom
3. Al-Arabi Trading Company Limited, Lane 11, Hai Babil, Baghdad District 929, Iraq
4. Al-Rafidain Shipping Company, Bombay, India
5. The Arab Petroleum Engineering Company Ltd., Amman, Jordan
6. Arab Projects Company S.A. Ltd., P.O. Box 1318, Amman, Jordan
7. Arab Trans Trade Co. S.A.E., 36, Kaft Abdou Street, Rouchdy, Alexandria 481 638, Egypt
8. Archi Centre I.C.E. Limited, 3 Mandeville Place, London, England, United Kingdom
9. Archiconsult Limited, 128 Buckingham Place, London 5, England, United Kingdom

10. Associated Engineers, England, United Kingdom
  11. A.T.E. International Ltd., f/k/a RWR International Commodities, 3 Mandeville Place, London, England, United Kingdom
  12. Atlas Air Conditioning Company Limited, 55 Roebuck House, Palace Street, London, England, United Kingdom
  13. Atlas Equipment Company Limited, 55 Roebuck House, Palace Street, London, England, United Kingdom
  14. A.W.A. Engineering Limited, 3 Mandeville Place, London, England, United Kingdom
  15. Banco Brasileiro-Iraqiano S.A., Praca Pio X, 54-10o Andar, CEP 20091, Rio de Janeiro, Brazil (Head office and city branch)
  16. Bay Industries, Inc., 10100 Santa Monica Boulevard, Santa Monica, California, United States
  17. Dominion International, England, United Kingdom
  18. Endshire Export Marketing, England, United Kingdom
  19. Euromac, Ltd., 4 Bishops Avenue, Northwood, Middlesex, England, United Kingdom
  20. Euromac European Manufacturer Center SRL, Via Ampere 5, 20052 Monza, Italy
  21. Euromac Transporti International SRL, Via Ampere 5, 20052 Monza, Italy
  22. Falcon Systems, England, United Kingdom
  23. Geodesigns, England, United Kingdom
  24. Investacast Precision Castings, Ltd., 112 City Road, London, England, United Kingdom
  25. I.P.C. International Limited, England, United Kingdom
  26. I.P.C. Marketing Limited, England, United Kingdom
  27. Iraqi Airways, Saddam International Airport, Baghdad, Iraq  
Opernring 8, 1010 Wien, Vienna, Austria  
General Service Agent, Bangladeshi-owned Travel Agency, Dhaka, Bangladesh  
Rio de Janeiro, Brazil  
Jianguomenwai Diplomatic Housing Compound, Building 7-1, 5th Floor, Apartment 4, Beijing, People's Republic of China  
Prague Airport, Prague, Czechoslovakia  
Nekazanka 3, Prague 1, Czechoslovakia  
Copenhagen, Denmark  
Main Eisenhuttenplatz 26, Frankfurt 6, Germany  
Rome, Italy  
Tokyo, Japan  
Casablanca, Morocco  
The Netherlands
  27. Ulica Grojecka, Central Warsaw, Poland  
Tunis, Tunisia  
Ankara, Turkey  
Moscow, U.S.S.R.  
Abu Dhabi, United Arab Emirates  
4 Lower Regent Street, London SW1Y 4P, United Kingdom  
5825 W. Sunset Blvd. #218, Los Angeles, California 90028, United States  
25040 Southfield Road, Southfield, Michigan 48075, United States  
Building 68, J.F.K. International Airport, Jamaica, New York 11430, United States  
1211 Avenue of the Americas, New York, New York 10036, United States  
Sanaa, Yemen  
Belgrade, Yugoslavia
  28. Iraqi Allied Services Limited, England, United Kingdom
  29. Iraqi Freight Services Limited, England, United Kingdom
  30. Iraqi Reinsurance Company, 31-35 Fenchurch Street, London EC3M 3D, United Kingdom
  31. Iraqi State Enterprise for Foodstuffs Trading, P.O. Box 1308, Colombo 3, Sri Lanka  
P.O. Box 2839, Calcutta 700.001, India
  32. Iraqi State Enterprise for Maritime Transport, Bremen, Germany  
Amman, Jordan
  33. Iraqi Trade Center, Dubai, United Arab Emirates
  34. Keencloud Limited, 11 Catherine Place, Westminster, London, England, United Kingdom
  35. Matrix Churchill Corporation, 5903 Harper Road, Cleveland, Ohio 44139, United States
  36. Meed International Limited, 3 Mandeville Place, London, England, United Kingdom
  37. Pandora Shipping Co., S.A., Honduras
  38. Petra Navigation & International Trading Co. Ltd., White Star Building, P.O. Box 8362, Amman, Jordan  
Armouh Bldg., P.O. Box 485, Aqaba, Jordan  
18 Huda Sharawi Street, Cairo, Egypt  
Hai Al Wahda Mahalat 906, 906 Zulak 50, House 14, Baghdad, Iraq
  39. PMK/QUDOS (Liverpool Polytechnic), England, United Kingdom
  40. Rafidain Bank, New Banks' Street, P.O. Box 11360, Massarif, Baghdad, Iraq (227 branches in Iraq)  
P.O. Box 607, Manama, Bahrain (2 branches in Bahrain)
  - 114 Tahreer Str. Eldukki, P.O. Box 239, Omran Giza, Cairo, Egypt  
P.O. Box 1194, Cinema al-Hussein Street, Amman, Jordan  
P.O. Box 685, Aqaba, Jordan  
P.O. Box 815401, Jabal Amman, Jordan  
Mafraq, Jordan  
2nd Floor Sadat Tower, P.O. Box 1891, Beirut, Lebanon (2 branches in Lebanon)  
Sheikh Khalifa Street, P.O. Box 2727, Abu Dhabi, United Arab Emirates  
Rafidain Bank Building, 7-10 Leadenhall Street, London EC3V 1NL, United Kingdom  
P.O. Box 10023, Sanaa, Yemen Arab Republic
  41. Rajbrook Limited, England, United Kingdom
  42. Reynolds and Wilson, England, United Kingdom
  43. S.M.I. Sewing Machines Italy S.P.A., Italy
  44. Sollatek, England, United Kingdom
  45. Technology and Development Group Ltd., Centric House 390/391, Strand, London, England, United Kingdom
  46. T.E.C. Limited, 3 Mandeville Place, London, England, United Kingdom
  47. T.M.G. Engineering Limited, Castle Row, Horticultural Place, Chiswick, London, England, United Kingdom
  48. T N K Fabrics Limited, England, United Kingdom
  49. Trading & Maritime Investments, San Lorenzo, Honduras
  50. U.I. International, England, United Kingdom
  51. UNIMAS Shipping, 138 El Geish Road, P.O. Box 44, Alexandria, Egypt
  52. Whale Shipping Ltd., c/o Government of Iraq, State Organization of Ports, Maqal, Basrah, Iraq
- Individuals*
1. Abbas, Abdul Hussein, Italy
  2. Abbas, Kassim, Italy
  3. Abraham, Trevor, England, United Kingdom
  4. Ahmad, Rasem, P.O. Box 1318, Amman, Jordan
  5. Ahmad, Wallid Issa, Iraq
  6. Al-Amiri, Adnan Talib Hassim, 43 Palace Mansions, Hammersmith, London, England, United Kingdom
  7. Al-Azawi, Dafir, Iraq
  8. Al-Dajani, Leila N.S., P.O. Box 1318, Amman, Jordan
  9. Al-Dajani, Nadim S., P.O. Box 1318, Amman, Jordan
  10. Al-Dajani, Sa'ad, P.O. Box 1318, Amman, Jordan
  11. Al-Habobi, Dr. Safa Haji J., Flat 4D Thorney Court, Palace Gate, Kensington, England, United Kingdom
  12. Ali, Abdul Mutalib, Germany
  13. Allen, Peter Francis, "Greys", 36 Stoughton Lane, Stoughton, Leicestershire, England, United Kingdom
  14. Al-Ogaily, Akram H., Flat 2, St. Ronons Court, 63 Putney Hill, London, England, United Kingdom
  15. Amaro, Joaquim Ferreira, Praca Pio X, 54-10o Andar, CEP 20091, Rio de Janeiro, Brazil
  16. Armouh, Ahmad, White Star Bldg., P.O. Box 8362, Amman, Jordan
  17. Armouh, Ali, White Star Bldg., P.O. Box 8362, Amman, Jordan
  18. Aziz, Fouad Hamza, Pracia Pio X, 54-10o Andar, CEP 20091, Rio de Janeiro, Brazil
  19. Dagher, Ali Ashour, 2 Western Road, Western Green, Thames Ditton, Surrey, England, United Kingdom
  20. Fattah, Jum'a Abdul, P.O. Box 1318, Amman, Jordan
  21. Hand, Michael Brian, England, United Kingdom
  22. Henderson, Paul, 4 Copt Oak Close, Tile Mill, Coventry, Warwickshire, England, United Kingdom
  23. Jon, Hana Paul, 19 Tudor House, Windsor Way, Brook Green, London, England, United Kingdom
  24. Jume'an, George, P.O. Box 1318, Amman, Jordan
  25. Kadhum, Dr. Fadel Jawad, c/o Alvanev Court, 250 Finchley Road, London, England, United Kingdom
  26. Khoshaba, Robert Kambar, 15 Harefield Road, Maidenhead, Berkshire, England, United Kingdom
  27. Mohamed, Abdul Kader Ibrahim, Jianguomenwai Diplomatic Housing Compound, Building 7-1, 5th Floor, Apartment 4, Beijing, People's Republic of China
  28. Omran, Karim Dhaidas, Iraq
  29. Raouf, Khalid Mohammed, Praca Pio X, 54-10o Andar, CEP 20091, Rio de Janeiro, Brazil
  30. Ricks, Roy, 87 St. Mary's Frice, Benfleet,

Essex, England, United Kingdom  
 31. Schmitt, Rogerio Eduardo, Praca Pio X, 54-10° Andar, CEP 20091, Rio de Janeiro, Brazil  
 32. Sim, Gilberto F., Praca Pio X, 54-10° Andar, CEP 20091, Rio de Janeiro, Brazil  
 33. Souza, Francisco Antonio, Praca Pio X, 54-10° Andar, CEP 20091, Rio de Janeiro, Brazil

34. Speckman, Jeanine, England, United Kingdom  
 35. Tall, Aktham, P.O. Box 1318, Amman, Jordan  
 36. Taveira, A. Arnaldo G., Praca Pio X, 54-10° Andar, CEP 20091, Rio de Janeiro, Brazil  
 37. Zahran, Yousuf, P.O. Box 1318, Amman, Jordan

**APPENDIX B—Merchant Vessels Registered, Owned, Or Controlled by the Government of Iraq or by Persons Acting Directly or Indirectly on Behalf of the Government of Iraq**

- All ships listed or Iraqi-flagged unless otherwise indicated.
- "N/A" is listed where information is not available.

Vessel name	Ship type	DWT	Call sign	Owner
1. Ain Zalah	Tkr	36,330	HNAZ	Iraqi Oil Tankers Company, Basrah, Iraq.
2. Al Anbar	Tug	N/A	YIAV	Government of the Republic of Iraq. Managed by the State Organization of Iraqi Ports, Basrah, Iraq.
3. Al Fao	Res	80	YIAN	State Org. of Iraqi Ports.
4. Al Karamah	Tkr	12,882	HNKM	Iraqi Oil Tankers Company.
5. Al Khalida	Tkr	7,155	HNKD	Iraqi Oil Tankers Company.
6. Al Mansur	Ycht	1,223	HNMR	Iraqi State Enterprise for Water Transport.
7. Al Merbid	Svc	4,649	YIMD	State Org. of Iraqi Ports.
8. Al Mosul	Svc	1,219	YIAS	State Org. of Iraqi Ports.
9. Al Najaf	Svc	4,740	YINF	State Org. of Iraqi Ports.
10. Al Nasr	Svc	2,444	DDRH	State Org. of Iraqi Ports.
11. Al Nasr	Tkr	1,502	HNNR	Iraqi Oil Tanker Company
12. Al Omarah	Tug	320	YIAW	State Org. of Iraqi Ports.
13. Al Ramadi	Tug	320	YIAJ	State Org. of Iraqi Ports.
14. Al Rasheed	Svc	304	YIBE	State Org. of Iraqi Ports.
15. Al Ratba	Tkr	544	YIBA	State Org. of Iraqi Ports.
16. Al Shumookh	Tug	375	N/A	State Org. of Iraqi Ports.
17. Al Waleed	Res	N/A	YIBF	State Org. of Iraqi Ports.
18. Al Zab	Tug	N/A	YIBH	State Org. of Iraqi Ports.
19. Al Zawraa	Cgo	3,549	HNZW	Iraqi State Enterprise for Water Transport, Baghdad.
20. Al-Alyaa	Tug	375	N/A	State Org. of Iraqi Ports.
21. Al-Amin	Tug	368	YIAM	State Org. of Iraqi Ports.
22. Al-Baath	Tkr	9,928	HNBT	Iraqi Oil Tankers Company.
23. Al-Bakr	Res	390	YIBR	State Org. of Iraqi Ports.
24. Al-Bayaa	Brg	1,662	HNHB	Iraqi State Enterprise for Water Transport. Formerly the Hiboob.
25. Al-Entisar	Tug	375	N/A	State Org. of Iraqi Ports.
26. Al-Hather	Tug	368	YIHR	State Org. of Iraqi Ports.
27. Al-Karrkh	Tug	368	YIKH	State Org. of Iraqi Ports.
28. Al-Khalij Al-Arabi	Svc	4,740	YIKA	State Org. of Iraqi Ports.
29. Al-Nohoodh	Tug	375	YINU	State Org. of Iraqi Ports.
30. Al-Qadisiya	Ycht	100	HNKS	Iraqi State Enterprise for Water Transport.
31. Al-Ressafa	Tug	368	YIRF	State Org. of Iraqi Ports.
32. Al-Sahil Al-Arabi	Svc	6,396	NHSA	Iraqi State Enterprise for Sea Fisheries, Basrah, Iraq.
33. Al-Thirhar	Tkr	524	YITH	State Org. of Iraqi Ports.
34. Al-Wahdah	Tug	149	YIWH	State Org. of Iraqi Ports.
35. Alabid	Brg	1,662	HNDB	Iraqi State Enterprise for Water Transport. Formerly the Sanabul.
36. Aledreesi	Cgo	3,550	HNID	Iraqi State Enterprise for Water Transport.
37. Alfarabi	Cgo	8,342	HNFB	Iraqi State Enterprise for Water Transport.
38. Alfarahidi	Tkr	149,441	HNFR	Iraqi Oil Tankers Company.
39. Alfidaa	Brg	1,662	HNFD	Iraqi State Enterprise for Water Transport. Formerly the Silawat.
40. Alkhansaa	Cgo	3,525	HNKN	Iraqi State Enterprise for Water Transport.
41. Alkindi	Cgo	8,342	HNKI	Iraqi State Enterprise for Water Transport.
42. Almustansiriyah	Tkr	155,210	HNMS	Iraqi Oil Tankers Company.
43. Almutanabbi	Tkr	130,241	HNMB	Iraqi Oil Tankers Company.
44. Alnajaf	Svc	4,740	YINF	State Org. of Iraqi Ports.
45. Alqadisiyah	Tkr	155,210	HNQS	Iraqi Oil Tankers Company.
46. Alsumood	Svc	6,977	YISD	State Org. of Iraqi Ports.
47. Alttaawin Alarabi	Cgo	13,634	HNAI	Iraqi State Enterprise for Water Transport.
48. Alwahda	Brg	1,662	HNAD	Iraqi State Enterprise for Water Transport.
49. Alwasitti	Cgo	8,343	HNWS	Iraqi State Enterprise for Water Transport.
50. Alyarmuk	Tkr	149,371	HNKY	Iraqi Oil Tankers Company.
51. Alzubair	Svc	4,640	YIZR	State Org. of Iraqi Ports.
52. Amuriyah	Tkr	155,210	HNAM	Iraqi Oil Tankers Company.
53. Antara	Svc	508	YIBD	State Org. of Iraqi Ports.
54. Arbeel	Tug	320	YIBB	State Org. of Iraqi Ports.
55. Baba Gurgur	Tkr	36,397	HNGR	Iraqi Oil Tankers Company.
56. Babylon	Cgo	13,656	HNBB	Iraqi State Enterprise for Water Transport.
57. Badr 7	Svc	647	N/A	Government of the Republic of Iraq, Ministry of Oil, State Company for Oil Projects, Baghdad, Iraq. (flag: Saudi Arabia).
58. Baghdad	Svc	2,900	YIAD	State Org. of Iraqi Ports.
59. Baghdad	Cgo	13,656	HNBD	Iraqi State Enterprise for Water Transport.
60. Baiqeas	RO/RO	3,985	HNBL	State Organization of Iraqi Government.
61. Basra	Svc	2,906	YIAB	State Org. of Iraqi Ports.
62. Basrah	Cgo	13,656	HNBS	Iraqi State Enterprise for Water Transport.
63. Buzurgan	Tkr	36,400	HNBR	Iraqi Oil Tankers Company.
64. Damascus	Tug	149	YIDS	State Org. of Iraqi Ports.
65. Damen Gorinchem 5716	Svc	N/A	N/A	State Org. of Iraqi Ports.
66. Damen Gorinchem 5717	Svc	N/A	N/A	State Org. of Iraqi Ports.
67. Damen Gorinchem 5718	Svc	N/A	N/A	State Org. of Iraqi Ports.

Vessel name	Ship type	DWT	Call sign	Owner
68. Deysla	Tug	350	YIBJ	State Org. of Iraqi Ports.
69. Dijlah	Tug	356	HNDJ	State Org. of Iraqi Ports.
70. Diving Launch 1	Svc	N/A	N/A	State Org. of Iraqi Ports.
71. Diwaniya	Tug	350	YIBK	State Org. of Iraqi Ports.
72. Dockan	Tkr	528	YIDN	State Org. of Iraqi Ports.
73. Dump Barge I	Svc	1,330	JBY	Whale Shipping Ltd., c/o State Org. of Iraqi Ports (flag: Gibraltar).
74. Dump Barge II	Svc	1,330	JBJ	Whale Shipping Ltd., c/o State Org. of Iraqi Ports (flag: Gibraltar).
75. Dump Barge III	Svc	1,330	JBJA	Whale Shipping Ltd., c/o State Org. of Iraqi Ports (flag: Gibraltar).
76. Fire Boat No. 705	Svc	N/A	N/A	State Org. of Iraqi Ports.
77. Fire Boat No. 706	Svc	N/A	N/A	State Org. of Iraqi Ports.
78. Forel	Fsh	1,163	HNFL	Rafidain Fisheries Co. Ltd., Basrah, Iraq.
79. Furat	Tug	350	HNFT	State Org. of Iraqi Ports.
80. Gaza	Svc	2,422	YIGZ	State Org. of Iraqi Ports.
81. Hamdan	Tug	387	YIHM	State Org. of Iraqi Ports.
82. Heet	Tug	89	N/A	State Org. of Iraqi Ports.
83. Hillah	Svc	6,709	YIAR	State Org. of Iraqi Ports.
84. Himreen	Svc	508	YIHN	State Org. of Iraqi Ports.
85. Hittin	Tkr	155,210	HNHT	Iraqi Oil Tankers Company.
86. Ibn Khaldoon	Svc	12,670	HNIN	State Org. of Iraqi Ports.
87. Ibn Majid 6	Svc	N/A	N/A	Iraqi State Company for Oil Projects (flag: Saudi Arabia).
88. Imhejran	Tug	386	YIMH	State Org. of Iraqi Ports.
89. Jabha	Tug	244	YIJA	State Org. of Iraqi Ports.
90. Jambur	Tkr	35,338	HNJM	Iraqi Oil Tankers Company.
91. Jamhoria	Tug	368	YIJR	State Org. of Iraqi Ports.
92. Kefal	Fsh	1,170	HNKL	Rafidain Fisheries Co. Ltd.
93. Kerbala	Svc	N/A	N/A	State Org. of Iraqi Ports.
94. Khalid Ibin Al Waleed	Svc	2,235	YIBM	State Org. of Iraqi Ports.
95. Khanaghn	Tkr	35,338	HNKQ	Iraqi Oil Tankers Company.
96. Khawla Bint Al Zawra	RO/RO	3,985	HNNK	Iraqi State Enterprise for Water Transport.
97. Kirkuk	Tkr	35,338	HNNK	Iraqi Oil Tankers Company.
98. Mandali	Svc	6,977	YIQS	State Org. of Iraqi Ports. Formerly the Alkadisiyah.
99. Maysaloon	Tug	368	YIMY	State Org. of Iraqi Ports.
100. Measan	Tug	310	YIMN	State Org. of Iraqi Ports.
101. Methaq	Tug	248	YIMQ	State Org. of Iraqi Ports.
102. Moon Lady	RO/RO	3,985	HNNZ	Pandora Shipping Co., S.A., Honduras, Managed by Petra Navigation & International Trading Co. Ltd., Amman, Jordan, Formerly the Iraqi-owned AL-ZAHRAA. (flag: Honduras).
103. Nagroor	Fsh	140	N/A	Government of the Republic of Iraq, Ministry of Agriculture & Agrarian Reform, State Fisheries Company, Baghdad, Iraq.
104. Nainawa	Tug	310	YINW	State Org. of Iraqi Ports.
105. Nisr	Svc	744	YISR	State Org. of Iraqi Ports.
106. No. 1	Svc	30	N/A	State Org. of Iraqi Ports.
107. No. 2	Svc	30	N/A	State Org. of Iraqi Ports.
108. Nuwaibi	Fsh	140	N/A	Iraqi State Fisheries Co.
109. Ohod 5	Svc	N/A	N/A	Iraqi State Company for Oil Projects (flag: Saudi Arabia).
110. Ohod 6	Svc	N/A	N/A	Iraqi State Company for Oil Projects (flag: Saudi Arabia).
111. Ohod 7	Svc	N/A	N/A	Iraqi State Company for Oil Projects (flag: Saudi Arabia).
112. Orooba	Tug	368	YIOB	State Org. of Iraqi Ports.
113. Otori Maru No. 2	Svc	N/A	N/A	State Org. of Iraqi Ports.
114. Palestine	Svc	4,649	YIFN	State Org. of Iraqi Ports.
115. Pilot 393	Svc	N/A	N/A	State Org. of Iraqi Ports.
116. Pilot 394	Svc	N/A	N/A	State Org. of Iraqi Ports.
117. Police 1	Ptrl	N/A	N/A	State Org. of Iraqi Ports.
118. Police 2	Ptrl	N/A	N/A	State Org. of Iraqi Ports.
119. Police 3	Ptrl	N/A	N/A	State Org. of Iraqi Ports.
120. Radhwa 18	Tug	N/A	N/A	Iraqi State Company for Oil Projects.
121. Radhwa 19	Tug	N/A	N/A	Iraqi State Company for Oil Projects.
122. Radhwa 20	Tug	N/A	N/A	Iraqi State Company for Oil Projects.
123. Robian	Fsh	129	N/A	Iraqi State Fisheries Company.
124. Rumaila	Tkr	36,330	HNNM	Iraqi Oil Tankers Company.
125. Saif Saad	Svc	742	N/A	State Org. of Iraqi Ports.
126. Samarra	Fer	N/A	YIBC	State Org. of Iraqi Ports.
127. Sanam	Svc	508	YISM	State Org. of Iraqi Ports.
128. Sboor	Fsh	129	HRN2	Iraqi State Fisheries Company.
129. Seabank	Fsh/Cgo	6,953	HQHR4	Trading & Maritime Investments, Honduras. Managed by Arab Trans Trade Co. S.A.E., Alexandria Egypt. Formerly the Iraqi-owned AL-BAHAR AL-ARABI (flag: Honduras).
130. Seamusic II	Cgo	26,732	9HYH2	Seamusic Shipping Co. Ltd., c/o Thenamaris Ships Management Inc., Athens, Greece. Vessel Seized by Government of Iraq. (flag: Malta).
131. Sebaa Nissan	Tug	368	YISN	State Org. of Iraqi Ports.
132. Shabool	Fsh	1,163	HNLK	Rafidain Fisheries Co., Ltd.
133. Shatt al Basrah	Fsh	404	HNSR	Iraqi State Fisheries Company.
134. Shorook	Svc	403	YISH	State Org. of Iraqi Ports.
135. SHU' Alah	Tug	N/A	N/A	State Org. of Iraqi Ports.
136. Sihan	Tug	387	YISI	State Org. of Iraqi Ports.
137. Sinai	Svc	1,286	N/A	State Org. of Iraqi Ports.
138. Sinjar	Svc	N/A	YIAY	State Org. of Iraqi Ports.
139. Sky Sea	Cgo	8,334	HNRZ	Pandora Shipping Co. S.A., Honduras. Managed by Petra Navigation & International Trading Co. Ltd., Amman, Jordan. Formerly the Iraqi-owned ALRAZI. (flag: Honduras).
140. Solnechnik	Fsh	404	UOJE	Iraqi State Fisheries Company.
141. Sulaimaniyan	Svc	N/A	YIAG	State Org. of Iraqi Ports.

Vessel name	Ship type	DWT	Call sign	Owner
142. Survey Launch No. 1.....	Res.....	N/A	N/A	State Org. of Iraqi Ports.
143. Survey Launch No. 2.....	Res.....	N/A	N/A	State Org. of Iraqi Ports.
144. Survey Launch No. 3.....	Res.....	N/A	N/A	State Org. of Iraqi Ports.
145. Tadmur.....	Tkr.....	3,627	HNTD	Iraqi Oil Tankers Company.
146. Tahreer.....	Svc.....	4,649	YITR	State Org. of Iraqi Ports.
147. Tarik Ibn Ziyad.....	Tkr.....	118,139	HNTZ	Iraqi Oil Tankers Company.
148. Theeqar.....	Tug.....	220	YIAC	State Org. of Iraqi Ports.
149. Ur.....	Tug.....	368	YIUR	State Org. of Iraqi Ports.
150. Work Boat No. 6.....	Brg.....	N/A	N/A	State Org. of Iraqi Ports.
151. Workshop 3.....	Svc.....	N/A	N/A	State Org. of Iraqi Ports.
152. Yanbu 31.....	Svc.....	N/A	N/A	Iraqi State Company for Oil Projects (flag: Saudi Arabia).
153. Yousifan.....	Tug.....	386	YIYN	State Org. of Iraqi Ports.
154. Zain Al Qaws.....	Cgo.....	9,247	HNZQ	Iraqi State Enterprise for Water Transport.
155. Zamzam.....	Tkr.....	544	YIAZ	State Org. of Iraqi Ports.
156. Zanoobia.....	Cgo.....	3,549	HNZN	Iraqi State Enterprise for Water Transport.
157. Zubaidy.....	Fsh.....	N/A	YIBO	State Org. of Iraqi Ports.
158. 1 Athar.....	Tkr.....	1,502	HNAR	Iraqi Oil Tankers Company.
159. 1 Hurizan.....	Tkr.....	1,502	HNHN	Iraqi Oil Tankers Company.
160. 7 Nissan.....	Tkr.....	1,502	HNHN	Iraqi Oil Tankers Company.

Dated: March 13, 1991.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 15, 1991.

John P. Simpson,

Acting Assistant Secretary, (Enforcement).

[FR Doc. 91-7795 Filed 4-1-91; 8:45 am]

BILLING CODE 4810-25-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### 32 CFR Part 852

#### Motor Vehicle Traffic Supervision

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Air Force is amending title 32, chapter VII of the CFR by removing Part 852, Motor Vehicle Traffic Supervision. This rule is removed because it has limited applicability to the general public. This action is the result of departmental review. The intended effect is to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

**EFFECTIVE DATE:** May 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Ms. Patsy J. Conner, Air Force Federal Register Liaison Officer, SAF/AAIA, Pentagon, Washington, DC 20330-1000, telephone (703-614-3431).

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 32 CFR Part 852

Federal buildings and facilities, traffic regulations.

Authority: 10 U.S.C. 8013.

## PART 852—[REMOVED AND RESERVED]

Accordingly, 32 CFR, chapter VII, is amended by removing and reserving part 852.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-7741 Filed 4-2-91; 8:45 am]

BILLING CODE 3910-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60 and 61

[FRL-3919-3]

#### Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Modoc County, Santa Barbara County, and Siskiyou County Air Pollution Control Districts in the State of California

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of delegation.

**SUMMARY:** The EPA hereby places the public on notice of its delegation of NSPS and NESHAPS authority to the California Air Resources Board (CARB) on behalf of the Modoc County, Santa Barbara County, and Siskiyou County Air Pollution Control Districts (APCDs). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS and NESHAPS categories from EPA to State and local governments.

**EFFECTIVE DATE:** April 9, 1990.

#### ADDRESSES:

Modoc County Air Pollution Control District, 202 W. Fourth Street, Alturas, CA 96101

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B-23, Goleta, CA 93117

Siskiyou County Air Pollution Control District, 525 S. Foothill Drive, Yreka, CA 96097.

#### FOR FURTHER INFORMATION CONTACT:

Cynthia G. Allen, State Implementation Plan Section (A-2-3), Air Programs Branch, Air and Toxics Division, EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Tel: (415) 744-1189 or FTS: 8-484-1189.

**SUPPLEMENTARY INFORMATION:** The CARB has requested authority for delegation of certain NSPS and NESHAPS categories on behalf of the Modoc County, Santa Barbara County, and Siskiyou County Air Pollution Control Districts. Delegations were granted by letter and are reproduced in their entirety as follows:

#### Modoc County APCD

April 9, 1990.

Mr. William W. Sylte, Chief Deputy Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Dear Mr. Sylte: In response to your request of February 6, 1990, I am pleased to inform you that we are delegating to your agency authority to implement and enforce the New Source Performance Standards (NSPS) and National Emission Standards and Hazardous Air Pollutants (NESHAPS) on behalf of the Modoc County Air Pollution Control District (MCAPCD). We have reviewed your request for delegation and have found the MCAPCD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR part 60, subpart
Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.	Da
Industrial-Commercial-Institutional Steam Generating Units.	Db
Nitric Acid Plants.....	G
Sulfuric Acid Plants.....	H
Petroleum Refineries.....	J
Storage Vessels for Petroleum Liquids Constructed After June 11, 1973, and Prior to May 19, 1978.	K
Storage Vessels for Petroleum Liquids Constructed After May 18, 1978.	Ka
Organic Liquid Storage Vessels for which Construction, Reconstruction or Modification Commenced after July 23, 1984.	Kb
Secondary Lead Smelters.....	L
Secondary Brass and Bronze Production Plants.	M
Primary Emissions from Basic Oxygen Process Furnaces for which construction is Commenced after June 11, 1973.	N
Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	Na
Sewage Treatment Plants.....	O
Primary Copper Smelters.....	P
Primary Zinc Smelters.....	Q
Primary Lead Smelters.....	R
Primary Aluminum Reduction Plants.....	S
Wet Process Phosphoric Acid Plants.....	T
Superphosphoric Acid Plants.....	U
Diammonium Phosphate Plants.....	V
Triple Superphosphate Plants.....	W
Granular Triple Superphosphate Storage Facilities.	X
Coal Preparation Plants.....	Y
Ferroalloy Production Facilities.....	Z
Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.	AA
Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.	AAa
Kraft Pulp Mills.....	BB
Glass Manufacturing Plants.....	CC
Grain Elevators.....	DD
Surface Coating of Metal Furniture.....	EE
Stationary Gas Turbines.....	GG
Lime Manufacturing Plants.....	HH
Lead-Acid Battery Manufacturing Plants.	KK
Metallic Mineral Processing Plants.....	LL
Automobile and Light Duty Truck Surface Coating Operations.	MM
Phosphate Rock Plants.....	NN
Ammonium Sulfate Manufacture.....	PP
The Graphic Arts Industry: Publication Rotogravure Printing.	QQ
Pressure Sensitive Tape and Label Surface Coating Operations.	RR
Industrial Surface Coating: Large Appliances.	SS
Metal Coil Surface Coating.....	TT
Asphalt Processing and Asphalt Roofing Manufacture.	UU
Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.	VV
Beverage Can Surface Coating Industry.	WW
New Residential Wood Heaters.....	AAA
Rubber Tire Manufacturing Industry.....	BBB
Flexible Vinyl and Urethane Coating and Printing.	FFF

NSPS	40 CFR part 60, subpart
Equipment Leaks of VOC in Petroleum Refineries.	GGG
Synthetic Fiber Production Facilities.....	HHH
Petroleum Dry Cleaners.....	JJJ
Equipment Leaks of VOC from On-shore Natural Gas Processing Plants.	KKK
Onshore Gas Processing; SO2 Emissions.	LLL
Nonmetallic Mineral Processing Plants.....	OOO
Wool Fiberglass Insulation Manufacturing Plants.	PPP
Petroleum Refineries Wastewater Systems.	QQQ
Magnetic Tape Coating Facilities.....	SSS
Industrial Surface Coating; Plastic Parts for Business Machine.	TTT

Appendix A—Reference Methods.  
Appendix B—Performance Specifications.

NESHAPS	40 CFR part 61, subpart
Vinyl Chloride.....	F
Equipment Leaks of Benzene.....	J
Asbestos Standards.....	M
Inorganic Arsenic Emissions from Primary Copper Smelters.	O
Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.	P
Equipment Leaks (Fugitive Emission Sources).	V

In addition, we are redelegating the following NSPS and NESHAPS categories since the MCAPCD's revised programs and procedures are acceptable:

NSPS	40 CFR part 60, subpart
General Provisions.....	A
Fossil-Fuel-Fired Steam Generators for Which construction is Commenced After August 17, 1971.	D
Incinerators.....	E
Portland Cement Plants.....	F
Hot Mix Asphalt Facilities.....	I

NESHAPS	40 CFR part 61, subpart
General Provisions.....	A
Beryllium.....	C
Beryllium Rocket Motor Firing.....	D
Mercury.....	E

EPA is not delegating Radionuclides under the Clean Air Act (NESHAPS, subparts B, H, I, K, and W) until delegation procedures and requirements are developed.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR part 60, including use of EPA's test methods and procedures. As of the effective date of this delegation, MCAPCD will have primary authority to enforce the above standards. EPA will retain independent enforcement authority, and will exercise such authority in a manner

consistent with EPA's timely and appropriate guidance, and our enforcement agreement. As such, all notifications and reports required of sources by the above standards should be sent to you, with a copy to our office. The delegation is effective upon the date of this letter unless the USEPA received written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Sincerely,  
Daniel W. McGovern,

Regional Administrator.

cc: Clinton B. Greenbank, APCO  
Modoc County APCD  
Jon Pedersen, ARB

Santa Barbara County APCD

April 9, 1990.

Mr. William W. Sylte,  
Chief Deputy Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Dear Mr. Sylte: In response to your request of February 6, 1990, I am pleased to inform you that we are delegating to your agency authority to implement and enforce the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) on behalf of the Santa Barbara County Air Pollution Control District (SBCAPCD). We have reviewed your request for delegation and have found the SBCAPCD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR part 60, subpart
Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.	N
VOC Emissions From Petroleum Refinery Wastewater Systems.	QQQ
Magnetic Tape Manufacturing Industry...	SSS
Industrial Surface Coatings of Plastic Parts for Business Machines.	TTT

Appendix I—Removable Label and Owners Manual.

NESHAPS	40 CFR part 61, subpart
Appendix A—Compliance Status Information	
Appendix B—Test Methods	
Appendix C—Quality Assurance Procedures	

Appendix A—Compliance Status Information  
Appendix B—Test Methods  
Appendix C—Quality Assurance Procedures

In addition, we are redelegating the following NSPS and NESHAPS categories since the SBCAPCD's revised programs and procedures are acceptable:

NSPS	40 CFR part 60, subpart
General Provisions.....	A
Adoption and Submittal of State Plans for Designated Facilities.....	B
Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.....	D
Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.....	Da
Industrial-Commercial-Institutional Steam Generating Units.....	Db
Incinerators.....	E
Portland Cement Plants.....	F
Nitric Acid Plants.....	G
Sulfuric Acid Plants.....	H
Asphaltic Concrete Plants.....	I
Petroleum Refineries.....	J
Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.....	K
Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1979, and Prior to July 23, 1984.....	Ka
Volatile Organic Liquid Storage Vessels.....	Kb
Secondary Lead Smelters.....	L
Secondary Brass and Bronze Production Plants.....	M
Secondary Emissions from Basic Oxygen Process Steeing Facilities for Which Construction is Commenced After January 20, 1983.....	Na
Sewage Treatment Plants.....	O
Primary Copper Smelters.....	P
Primary Zinc Smelters.....	Q
Primary Lead Smelters.....	R
Primary Aluminum Reduction Plants.....	S
Wet Process Phosphoric Acid Plants.....	T
Superphosphoric Acid Plants.....	U
Diammonium Phosphate Plants.....	V
Triple Superphosphate Plants.....	X
Granular Triple Superphosphate Storage Facilities.....	W
Coal Preparation Plants.....	Y
Ferroalloy Production Facilities.....	Z
Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.....	AA
Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.....	AAa
Kraft Pulp Mills.....	BB
Glass Manufacturing Plants.....	CC
Grain Elevators.....	DD
Surface Coating of Metal Furniture.....	EE
Stationary Gas Turbines.....	GG
Lime Manufacturing Plants.....	HH
Lead-Acid Battery Manufacturing Plants.....	KK
Metallic Mineral Processing Plants.....	LL
Automobile and Light Duty Truck Surface Coating Operations.....	MM
Phosphate Rock Plants.....	NN
Ammonium Sulfate Manufacture.....	PP
The Graphic Arts Industry: Publication Rotogravure Printing.....	QQ
Pressure Sensitive Tape and Label Surface Coating Operations.....	RR
Industrial Surface Coating: Large Appliances.....	SS
Metal Coil Surface Coating.....	TT
Asphalt Processing and Asphalt Roofing Manufacture.....	UU

NSPS	40 CFR part 60, subpart
Equipment Leaks of VOC in the synthetic Organic Chemicals Manufacturing Industry.....	VV
Beverage Can Surface Coating Industry.....	WW
New Residential Wood Heaters.....	AAA
Rubber Tire Manufacturing Plants.....	BBB
Flexible Vinyl and Urethane Coating and Printing.....	FFF
Equipment Leaks of VOC in Petroleum Refineries.....	GGG
Synthetic Fiber Production Facilities.....	HHH
Petroleum Dry Cleaners.....	JJJ
Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.....	KKK
Onshore Gas Processing: SO2 Emissions.....	LLL
Nonmetallic Mineral Processing Plants.....	OOO
Wool Fiberglass Insulation Manufacturing Plants.....	PPP

Appendix A—Reference Methods.  
 Appendix B—Performance Specifications.  
 Appendix C—Determination of Emission Rate Change.  
 Appendix D—Required Emission Inventory Information.  
 Appendix F—Quality Assurance Procedures.

NESHAPS	40 CFR part 61, subpart
General Provisions.....	A
Beryllium.....	C
Beryllium Rocket Motor Firing.....	D
Mercury.....	E
Vinyl Chloride.....	F
Equipment Leaks of Benzene.....	J
Asbestos Standards.....	M
Inorganic Arsenic Emissions from Glass Manufacturing Plant.....	N
Inorganic Arsenic Emissions from Primary Copper Smelters.....	O
Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.....	P
Equipment Leaks (Fugitive Emission Sources).....	V

Appendix A—Compliance Status Information.  
 Appendix B—Test Methods.  
 Appendix C—Quality Assurance Procedures.

EPA is not delegating Radionuclides under the Clean Air Act (NESHAPS, Subparts B, H, I, K, and W) until delegation procedures and requirements are developed.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR part 60, including use of EPA's test methods and procedures. As of the effective date of this delegation, SBCAPCD will have primary authority to enforce the above standards. EPA will retain independent enforcement authority, and will exercise such authority in a manner consistent with EPA's timely and appropriate guidance, and our enforcement agreement. As such, all notifications and reports required of sources by the above standards should be sent to you, with a copy to our office. The delegation is effective upon the date of this letter unless the USEPA received written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority

will be published in the Federal Register in the near future.

Sincerely,

Daniel W. McGovern,  
*Regional Administrator.*  
 cc: James Ryerson  
 Santa Barbara County APCD  
 Scott Johnson  
 Santa Barbara County APCD  
 Jon Pederson, ARB

Siskiyou County APCD  
 April 9, 1990.

Mr. William W. Sylte,  
*Chief Deputy Executive Officer, California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812*

Dear Mr. Sylte: In response to your request of February 6, 1990, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) on behalf of the Siskiyou County Air Pollution Control District (SCAPCD). We have reviewed your request for delegation and have found the SCAPCD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR part 60, Subpart
New Residential Wood Heaters.....	AAA
Rubber Tire Manufacturing Industry.....	BBB
VOC Emissions from Petroleum Refinery Wastewater Systems.....	QQQ
Magnetic Tape Manufacturing.....	SSS
Industrial Surface Coating: Plastic Parts for Business Machines.....	TTT

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR part 60, including use of EPA's test methods and procedures. As of the effective date of this delegation, SCAPCD will have primary authority to enforce the above standards. EPA will retain independent enforcement authority, and will exercise such authority in a manner consistent with EPA's timely and appropriate guidance, and our enforcement agreement. As such, all notifications and reports required of sources by the above standards should be sent to you, with a copy to our office. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Sincerely,

Daniel W. McGovern,  
*Regional Administrator.*

cc: Edmond Hale  
 Siskiyou County APCD

With respect to the areas under the jurisdiction of the appropriate Air Pollution Control District, all reports, applications, submittals, and other

communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the appropriate APCD shown in the ADDRESSES section of this notice.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: March 14, 1991.

Daniel W. McGovern,  
Regional Administrator.

[FR Doc. 91-7819 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 131

[FRL-3918-9]

#### Water Quality Standards for Surface Waters of Kentucky

**AGENCY:** Environmental Protection Agency.

**ACTION:** Removal of rule.

**SUMMARY:** EPA is removing a rule that established Federal chloride criteria for warmwater aquatic life designated uses in the Commonwealth of Kentucky. The chloride criteria recently adopted by the Commonwealth make the Federally-promulgated rule unnecessary.

**DATE:** This removal is effective May 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phillip Vorsatz, EPA, Region IV, 345 Courtland Street, NE., Atlanta, GA 30365, (404) 347-2126.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On April 8, 1985 the Kentucky Natural Resources and Environmental Protection Cabinet (the Cabinet) adopted water quality criteria for chloride to protect the warmwater aquatic life designated use in the Commonwealth. The criteria were approved by EPA on July 10, 1985.

Following adoption of the chloride criteria, the Johnson County Circuit Court issued an injunction prohibiting enforcement of the criteria. Accordingly, on December 24, 1985 (50 FR 52540), EPA proposed a rule establishing chloride criteria to replace the enjoined criteria. As part of the rulemaking process, EPA held two public hearings in Kentucky on February 19-20, 1986, to receive comments on the proposed rule.

Subsequent to EPA's proposal and associated public hearings, on March 17, 1986, the Kentucky Cabinet and the oil and gas interests entered a Consent Decree into the Johnson County Circuit Court to resolve the issues that were the subject of the complaint and resultant court injunction. The Circuit Court approved the Consent Decree and set aside the injunction against Kentucky's water quality standards. The Consent Decree provides that the Court may enforce the Decree if any party fails to comply with the terms of the Decree.

The Consent Decree provided that the Kentucky water quality regulations for chloride would be effective immediately. However, the Decree also provided that exceptions to water quality criteria could be granted where application of such criteria would result in substantial and widespread economic and social impacts, as determined by the guidelines developed by the parties and appended to the Consent Decree.

EPA carefully evaluated the provisions of the Consent Decree and associated appendix, compared it with the requirements of the applicable regulations, and determined that the economic evaluation techniques were inappropriate. The exception process outlined in the Consent Decree did not meet the requirements for an EPA-approved variance and would render the State-adopted chloride criteria virtually ineffective for controlling a problem pollutant in the Commonwealth. EPA, therefore, determined that it was necessary to undertake rulemaking proceedings to correct the deficiency in Kentucky's water quality standards. The Federal rule became effective on April 20, 1987.

On May 31, 1990, the Commonwealth of Kentucky revised its chloride criteria to make it consistent with EPA's rule (presently codified at 40 CFR 131.34). Although the numeric criteria are exactly the same as the Federal promulgation, Kentucky is applying these criteria in a more stringent manner than that which applied to the Federally-promulgated criteria (i.e., shall not be exceeded versus 30-day average).

Kentucky proposed and adopted the chloride criteria according to appropriate State and Federal regulations, including public notice and participation and legislative approval requirements. No challenges to the criteria were received. The criteria have been certified by the Commissioner of the Kentucky Cabinet's Department of Law as legally adopted and enforceable. On October 5, 1990, EPA's Regional Administrator for Region IV approved Kentucky's revised chloride criteria. Since approval of the Commonwealth's

criteria obviates the need for Federal criteria, EPA herein withdraws the rule at 40 CFR 131.34.

##### B. Statement of Basis and Purpose

EPA's 1987 promulgation is now duplicative of an EPA-approved State water quality standard and is no longer needed to meet the requirements of the Clean Water Act. As the Act contemplates Federal promulgation of water quality standards only where a State fails to adopt standards which meet the requirements of the Act, it is EPA's policy to withdraw promulgated water quality standards when the State adopts new or revised standards which meet the requirements of the Act. Accordingly, because EPA's 1987 promulgation for Kentucky is no longer necessary to meet the requirements of the Act, the 1987 promulgation which established Federal chloride criteria for Kentucky's waters is withdrawn.

##### C. Availability of Record

The administrative record for the consideration of Kentucky's revised water quality standard is available for public inspection and copying at the Environmental Protection Agency, Region IV Office, Water Management Division, 345 Courtland Street, NE., Atlanta, Georgia 30365, during normal weekday business hours of 8 a.m. to 4:30 p.m. The approved Kentucky water quality standards are available for inspection and copying from the Criteria and Standards Division (WH-585), 401 M Street, SW., Washington, DC 20460, in room 919 of the East Tower.

##### D. Regulatory Analysis

This regulation imposes no new regulatory requirement but merely withdraws a Federal regulation that now duplicates a State regulation. Therefore, this rule will not have a significant economic impact on a substantial number of small entities.

##### E. Administrative Procedure

Because Kentucky has adopted, and EPA has approved, water quality criteria for chloride to protect the warmwater aquatic life designated use consistent with those in the Federal promulgation, withdrawal of the Federal promulgation will have no effect on water quality or on the regulated public. Kentucky complied with the public participation requirements of the Act during its review and revision of its water quality standards. Therefore, EPA has determined that notice of proposed rulemaking and public procedure thereon is unnecessary for this action to withdraw 40 CFR 131.34. The same

procedure was followed by EPA in previous water quality standards withdrawal actions (e.g., Alabama and Mississippi).

#### List of Subjects in 40 CFR Part 131

Water pollution control, Intergovernmental relations, Administrative policies and procedures, Reporting and recordkeeping requirements, Water quality standards.

Dated: March 26, 1991.

William K. Reilly,  
Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 131 of the Code of Federal Regulations is amended as follows:

#### PART 131—WATER QUALITY STANDARDS

1. The authority citation for part 131 continues to read as follows:

Authority: Sec. 303(c) of the Clean Water Act, 33 U.S.C. 1313(c).

#### § 131.34 [Removed and Reserved]

2. Section 131.34 of part 131 is removed and reserved.

[FR Doc. 91-7825 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[OPP-300217A; FRL-3847-9]

#### Lead Arsenate; Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule revokes all tolerances listed in 40 CFR 180.194 for residues of lead arsenate as follows: (1) residues of combined lead resulting from the use of lead arsenate as an insecticide in or on various raw agricultural commodities; and (2) residues of combined lead resulting from the use of lead arsenate as a growth regulator in or on citrus fruits. This action is being taken because (1) voluntary cancellation of the registration for the growth regulator use on citrus was requested in 1987, while all other food use registrations of lead arsenate were cancelled effective August 1, 1988, and (2) it is necessary to ensure that residues of lead arsenate are not introduced into the food supply through imported crops.

**EFFECTIVE DATE:** April 3, 1991.

**ADDRESSES:** Written objections and/or requests for a hearing, identified by the document control number, OPP-300217A,

may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

#### FOR FURTHER INFORMATION CONTACT:

Lisa Engstrom, Special Review and Reregistration Division (H7508C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number, Special Review Branch, Rm. 2N4, Westfield Building #3, 2800 Jefferson Davis Hwy., Arlington, VA, (703)-308-8024

#### SUPPLEMENTARY INFORMATION:

In the Federal Register of August 15, 1990 (55 FR 33334), EPA proposed to revoke all tolerances for lead arsenate. No requests for referral to an advisory committee or comments were received in response to the notice of proposed revocation. Therefore, EPA is now revoking the tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) for lead arsenate, expressed as combined lead.

Current tolerances for residues of lead arsenate in or on raw agricultural commodities, expressed in parts per million (ppm) of combined lead, are listed at 40 CFR 180.194. A tolerance of 7 ppm of combined lead is set in or on apples, apricots, asparagus, avocados, blackberries, blueberries (huckleberries), boysenberries, celery, cherries, cranberries, currants, dewberries, eggplant, gooseberries, grapes, loganberries, mangoes, nectarines, peaches, pears, peppers, plums (fresh prunes), quinces, raspberries, strawberries, tomatoes, and youngberries. For citrus, a tolerance of 1 ppm of combined lead is listed.

In the Federal Register of June 30, 1988 (53 FR 24787), EPA issued the Final Notice of Intent to Cancel, or PD 4, for the nonwood preservative uses of inorganic arsenicals. In that Notice, any sale, distribution, or use of products containing lead arsenate, except the growth regulator use on citrus, was prohibited effective August 1, 1988. A provision for the sale and/or use of existing stocks was not made since it was determined that carcinogenic risks posed to workers and acute risks due to accidental ingestion by the insecticidal use of lead arsenate outweighed the limited benefits. It was also indicated that all of the registrations for end-use products of lead arsenate labelled for insecticidal use had been suspended prior to the Notice of Intent to Cancel for failure to submit proper data in response to a section 3(c)(2)(B) requirement, or that registrations had been voluntarily cancelled. It was concluded at that time there would be

no economic impact as a result of cancellation of the registrations.

As a growth regulator, lead arsenate was registered by Microflo Chemical Co., the sole producer of lead arsenate. It was only used on citrus grown in Florida. Rather than comply with section 3(c)(2)(B) data requirements, Microflo Chemical Co. requested voluntary cancellation of its lead arsenate registration on July 28, 1987. Lead arsenate products had not been produced since 1986. EPA estimates that at the time of the cancellation request approximately 100,000 pounds of lead arsenate stocks remained. It is estimated that 90,000 pounds, or 90 percent, of those stocks were available for the 1988 season and that the remaining 10,000 pounds, enough to treat only 1 to 2 percent of the Florida crop, were available for use in the 1989 growing season. EPA expects that virtually all stocks of lead arsenate have been exhausted. Given that lead arsenate would have been used during the spring for the early season citrus crop, there is currently little likelihood of treated fruit in the channels of trade.

Based on the June 30, 1988 Federal Register Notice which cancelled the insecticidal registrations, and the voluntary cancellation of the growth regulator use, there are no remaining active registrations for the use of lead arsenate. Based on the information set forth in the August 15, 1990 proposed tolerance revocation (55 FR 33334) and in the Final Notice of Intent to Cancel (53 FR 24787), EPA is revoking tolerances listed in 40 CFR 180.194 for residues of lead arsenate in or on the commodities listed above.

No residues of lead arsenate are expected to be detected in raw agricultural commodities harvested from previously treated fields above background levels since there has been no known use of lead arsenate for years and since EPA believes there has been adequate time for legally treated raw agricultural commodities to have gone through the channels of trade. Thus, EPA believes there will be insignificant or no adverse economic impact related to the revocation of tolerances for lead arsenate. In addition, no objections were submitted in response to the proposal to revoke the tolerances.

Pursuant to sections 408(d) and 409(f) of FFDCA (21 U.S.C. 346a(d) and 348(f)) and 40 CFR 180.13, any person adversely affected by this regulation revoking the tolerances for lead arsenate may, within 30 days after the date of publication of this final rule in the Federal Register, file written objections and/or requests for a hearing with the Hearing Clerk, at the

address given above. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested and the requestors contentions on each such issue. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; resolutions of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

#### Executive Order 12291

As explained in the proposal of August 15, 1990 (55 FR 33334), EPA determined, pursuant to the requirements of E.O. 12291, that the revocation of these tolerances will not cause a major increase in prices and will not have a significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises. This rule has been reviewed by the Office of Management and Budget as required under section 3 of E.O. 12291.

#### Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 et seq.) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the August 15, 1990 proposal.

Accordingly, I certify that this rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

#### Paperwork Reduction Act

This regulatory action does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. (section 408(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346 (m))).

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities,

Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 11, 1991.

Linda J. Fisher,  
Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

#### § 180.194 [Removed]

2. By removing § 180.194 *Lead arsenate*.

[FR Doc. 91-7681 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 180

[OPP-300219A; FRL-3873-1]

#### Calcium Arsenate; Revocation of Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document revokes all tolerances listed in 40 CFR 180.192 for calcium arsenate (expressed in parts per million (ppm) combined arsenic trioxide (As<sub>2</sub>O<sub>3</sub>)), which was used as an insecticide, in or on various raw agricultural commodities. This action is being taken because registrations for the food uses of calcium arsenate were suspended and subsequently cancelled in 1988, and it is necessary to ensure residues of calcium arsenate will not be introduced into the food supply through imported crops.

**EFFECTIVE DATE:** April 3, 1991.

**ADDRESSES:** Written objections and/or requests for a hearing, identified by the document control number, OPP-300219A, may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Lisa Engstrom, Special Review and Reregistration Division (H7508C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, Rm. 2N4, Westfield Building #3, 2800 Jefferson Davis Hwy., Arlington, VA, (703)-308-8024.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of August 15, 1990 (55 FR 33332), EPA proposed to revoke all tolerances of calcium arsenate. No

comments or requests for referral to an advisory committee were received in response to that notice of proposed revocation. EPA is revoking the tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) for calcium arsenate, expressed as combined arsenic trioxide. This revocation is being taken because the registered uses of calcium arsenate have been cancelled by EPA due to unreasonable risks calcium arsenate posed to the general public and workers handling calcium arsenate. Current tolerances for residues of calcium arsenate, expressed in parts per million (ppm) combined arsenic trioxide (As<sub>2</sub>O<sub>3</sub>), in or on raw agricultural commodities are listed at 40 CFR 180.192. A tolerance of 3.5 ppm of combined arsenic trioxide is set for residues of calcium arsenate in or on asparagus, beans, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, collards, corn, cucumbers, dewberries, eggplant, kale, kohlrabi, loganberries, melons, peppers, pumpkins, raspberries, rutabagas (with or without tops) or rutabaga tops, spinach, squash, strawberries, summer squash, tomatoes, turnips (with or without tops) or turnip greens, and youngberries.

The cancellation of registrations of the insecticidal and molluscicidal uses of calcium arsenate was announced in the Federal Register of June 30, 1988 (53 FR 24787). It was noted that the uses of calcium arsenate as an insecticide and molluscicide had been suspended for failure of the registrant to comply with required data submission pursuant to section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Benefits and use information on calcium arsenate available to EPA indicated that prior to suspension, there had been no usage of calcium arsenate for many years. The cancellation of the insecticidal and molluscicidal uses of calcium arsenate became effective August 1, 1988. Sale, distribution and use of existing stocks were prohibited after that date by the cancellation order.

No residues of arsenic trioxide from the use of calcium arsenate as an insecticide are expected to be detected in raw agricultural commodities harvested from previously treated fields above background levels since there has been no known use of calcium arsenate for many years and since EPA believes there has been adequate time for legally treated raw agricultural commodities to have gone through the channels of trade.

Thus, EPA believes there will be insignificant or no adverse economic impact to American growers related to the revocation of tolerances for calcium arsenate. In addition, no objections were submitted in response to the proposal to revoke the tolerances.

Pursuant to sections 408(d) and 409(f) of FFDCA (21 U.S.C. 346a(d) and 348(f)) and 40 CFR 180.13, any person adversely affected by this regulation revoking the tolerances for calcium arsenate may, within 30 days after the date of publication of this final rule in the *Federal Register*, file written objections and/or requests for a hearing with the Hearing Clerk, at the address given above. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested and the requestors contentions on each such issue. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: there is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; resolutions of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

#### Executive Order 12291

As explained in the proposal of August 15, 1990 (55 FR 33332), EPA determined, pursuant to the requirements of E.O. 12291, that the revocation of these tolerances will not cause a major increase in prices and will not have a significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises. This rule has been reviewed by the Office of Management and Budget as required under section 3 of E.O. 12291.

#### Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 et seq.) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the August 15, 1990 proposal.

Accordingly, I certify that this rule does not require a separate regulatory

flexibility analysis under the Regulatory Flexibility Act.

#### Paperwork Reduction Act

This regulatory action does not contain any information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. (section 408(m) of the FFDCA (21 U.S.C. 346a(m))).

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 11, 1991.

Linda J. Fisher,  
Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

#### § 180.192 [Removed]

2. By removing § 180.192 *Calcium arsenate*.

[FR Doc. 91-7680 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 271

[FRL-3918-6]

#### Illinois: Final Authorization of Revisions to State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Illinois has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA" or the "Act"). The Environmental Protection Agency (EPA) has reviewed Illinois' application and has reached a decision, subject to public review and comment, that Illinois' hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Illinois to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-

616, November 8, 1984, hereinafter "HSWA").

**DATES:** Final authorization for Illinois' program revisions shall be effective June 3, 1991, unless EPA publishes a prior *Federal Register* (FR) action withdrawing this immediate final rule. All comments on Illinois' program revision application must be received by 4:30 p.m. central time on May 3, 1991. If an adverse comment is received, EPA will publish either (1) a withdrawal of this immediate final rule or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

**ADDRESSES:** Copies of Illinois' final authorization application are available for inspection and copying at the following addresses from 9 a.m. to 4 p.m.: Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, contact: Tom Cavanagh (217) 785-0551; U.S. EPA Headquarters Library, PM 211A, 401 M Street SW., Washington, DC, 20460, phone (202) 382-5922; U.S. EPA, Region V, 230 S. Dearborn, Chicago, Illinois 60604, contact: Gary Westefer (312) 886-7450. Written comments should be sent to Mr. Gary Westefer, Illinois Regulatory Specialist, U.S. EPA, Office of RCRA, 5HR-JCK-13, 230 S. Dearborn, Chicago, Illinois 60604, phone (312) 886-7450.

#### FOR FURTHER INFORMATION CONTACT:

Gary Westefer, Illinois Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Waste Management Division, Office of RCRA, Program Management Branch, Regulatory Development Section, 5HR-JCK-13, 230 South Dearborn, Chicago, Illinois 60604, ((312) 886-7450 FTS 8-886-7450).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. For further explanation see section C of this notice.

In accordance with 40 CFR 271.21(a), revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessary because of changes to EPA's regulations in 40 CFR parts 124, 260-268 and 270.

**B. Illinois**

Illinois initially received final authorization for its base RCRA program effective on January 31, 1986, (51 FR 3778, January 30, 1986). Illinois received authorization for revisions to its program effective on March 5, 1988 (53 FR 126, January 5, 1988) and April 30, 1990 (55 FR 7320, March 1, 1990). On May 22, 1990, Illinois submitted an

additional revision application. EPA has reviewed this application and has made an immediate final decision, subject to public review and comment, that Illinois' hazardous waste program revisions are equivalent to the Federal program revisions listed below and satisfy all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final

authorization to Illinois for its additional program revision.

On June 3, 1991, (unless EPA publishes a prior FR action withdrawing this immediate final rule), Illinois will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous State authority
Standards for Generators: Waste Minimization Certifications, October 1, 1986, 51 FR 55190-55194*.	Rule 35 IAC 722 appendix A, Effective November 30, 1987.
Listing of EBDC, October 24, 1986, 51 FR 37725-37729* .....	Rule 35 IAC 721.132, part 721, appendices C and G, Effective November 30, 1987.
Land Disposal Restrictions, November 7, 1986, 51 FR 40572-40654,* as amended on June 4, 1987, 52 FR 21018*.	Rules 35 IAC 702.187; 703.183; 703.241; 720.101; 720.102; 720.103; 720.110; 720.120; 721.101; 721.104; 721.105; 721.106; 721.107; 721.120; 721.130; 722.111; 723.112; 724.101; 724.113; 724.173; 725.101; 725.113; 725.173; 728.101; 728.102; 728.103; 728.104; 728.106; 728.107; 728.130; 728.131; 728.140; 728.141; 728.142; 728.144; 728.150, Part 728 appendices A and B, Effective November 30, 1987.
Revised Manual SW 846, Amended Incorporation by Reference, March 16, 1987, 52 FR 8072-8073.	Rules 35 IAC 702.104, 720.111, Effective January 29, 1988.
Closure/Post-Closure Care for Interim Status Surface Impoundments, March 19, 1987, 52 FR 8704-8709.	Rule 35 IAC 725.328, Effective January 29, 1988.
Definition of Solid Waste Technical Corrections, June 5, 1987, 52 FR 21306-21307 .....	Rules 35 IAC 721.133, 726.120, Effective January 29, 1988.
Amendments to Part B, Information Requirements for Disposal Facilities, June 22, 1987, 52 FR 23447-23450, as amended on September 9, 1987, 52 FR 33936.	Rule 35 IAC 703.185, Effective January 29, 1988.

\*Indicates HSWA Provision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on January 31, 1986, March 5, 1988, and on April 30, 1988, the effective dates of Illinois' final authorizations for the RCRA base program, for the Non-HSWA Cluster I and II revisions, and certain HSWA Cluster I revisions.

Illinois is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

**C. Effect of HSWA on Illinois' Authorization**

**1. General**

Prior to the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization administered its hazardous waste program instead of, or entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly

applied the Federal requirements in the authorized State and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended Section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time they take effect in non-authorized States. EPA directly carries out those requirements and imposes those prohibitions in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, at one point, adopt HSWA-related provisions as State law to retain final authorization. In the interim, the HSWA provisions apply in authorized States.

As a result of the HSWA, there is a dual State/Federal regulatory program in Illinois. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those

HSWA requirements in Illinois until the State is authorized for them.

Once EPA authorizes Illinois to carry out a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision or prohibition. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's rulemaking includes authorization of Illinois' program for several requirements implementing the HSWA. Those requirements implementing the HSWA are specified in the "Illinois" section of this notice. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect; thus, regulated handlers must comply with any more stringent State requirements.

EPA published a FR notice that explains in detail the HSWA and its affect on authorized States (50 FR 28702-28755, July 15, 1985).

**2. Land Disposal Prohibitions**

With this decision, EPA intends to authorize Illinois to impose certain land disposal prohibitions. The regulations implementing the land disposal prohibitions are found in 40 CFR part 268. Under sections 5, 6, 42(b), and 44 of part 268, EPA has authority to consider petitions for case-by-case extensions to prohibition effective dates, exemptions

to prohibitions based upon a showing of no potential for waste migration, alternate treatment methods, and variances from treatment standards, respectively. Consideration of the sections 5, 42(b) and 44 petitions is permanently reserved to EPA because consideration of those petitions requires a national perspective. In the future, EPA may authorize States to consider the section 6 petitions. However, EPA is currently requiring that these petitions be handled at EPA Headquarters. It should be noted that Illinois has its own procedures for considering petitions for exemptions to prohibitions based upon a showing of no potential for waste migration. Nothing in RCRA prohibits a State from adopting requirements that parallel Federal requirements. Therefore, petitioners seeking a section 6 exemption must be granted approval by both EPA and the State.

On August 17, 1990, EPA promulgated the most recent phase of the regulatory framework implementing the land disposal prohibitions. EPA promulgated earlier phases on November 7, 1986, June 4, July 8, and October 10, 1987, August 17, 1988, February 27, May 2, June 23, and September 6, 1989, and June 1, June 13, and August 17, 1990. Illinois' rulemaking process follows the EPA rulemaking process. An unavoidable consequence is that Illinois' current land disposal prohibitions program is not as comprehensive as the Federal program. Since each new phase of the land disposal prohibitions regulations has included modifications to earlier phases and, in most instances, those modifications have made the regulatory framework more stringent, certain Illinois' land disposal requirements may be superseded by Federal land disposal requirements.

In this action, EPA intends to authorize Illinois only for the November 7, 1986, and June 4, 1987, phases of land disposal prohibition regulations. However, the balance of the Federal regulations are, because they are promulgated pursuant to HSWA, effective in Illinois and all other States and are directly implemented by EPA. Regulated handlers must comply with any requirements of the retained Federal land disposal prohibitions program that may be more stringent than the analogous requirements of the Illinois program. Conversely, because compliance with RCRA does not exempt regulated handlers from compliance with State law, such handlers must also meet any requirements of the Illinois program that may be more stringent than the analogous requirements of the Federal program. As a consequence,

regulated handlers facing an apparent conflict between State and Federal land disposal prohibitions must always comply with the more stringent of the two requirements.

#### D. Decision

I conclude that Illinois' program revision application meets all the statutory and regulatory requirements established by RCRA and its amendments. Accordingly, EPA grants Illinois final authorization to operate its hazardous waste program as revised. Illinois now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program and its amendments. This responsibility is subject to the limitations of its program revision applications and previously approved authorities. Illinois also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA, and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

#### E. Codification

EPA codifies authorized State programs in part 272 of 40 CFR. The purpose of codification is to provide notice to the public of the scope of the authorized program in each State. Codification of these revisions to the Illinois program will be completed at a later date.

#### Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

#### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Illinois' program thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any

information requirements upon the regulated community.

#### List of Subjects in 40 Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of Sections 2002(a) 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b)).

Dated: March 11, 1991.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 91-7821 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Part 98

[CGD 84-043]

RIN 2115-AB69

#### Portable Tanks for the Transportation of Bulk Hazardous Materials by Vessel

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The United States Coast Guard is correcting errors in the amendment to the regulations governing the transportation of bulk hazardous materials in portable tanks by vessel. The amendment appeared in the *Federal Register* on Tuesday, September 11, 1990 [55 FR 37406].

**EFFECTIVE DATE:** April 3, 1991.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Frank K. Thompson, Office of Marine Safety, Security, and Environmental Protection, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone (202) 267-1577.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* on Tuesday, September 11, 1990 [55 FR 37406], the Coast Guard published a final rule concerning portable tanks for the transport of bulk hazardous materials. A number of editorial errors occurred. As this is a technical amendment that does not change the substance of the rules, publication of this document for comment is not required.

**List of Subjects in 46 CFR Part 98**

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

Title 46, part 98 of the CFR is amended as follows:

**PART 98—[AMENDED]**

1. The authority citation for part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3308, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

**§ 98.30-4 [Amended]**

2. In paragraph (b) of § 98.30-4, "40 CFR 173.32b," should read "49 CFR 173.32b,".

**§ 98.33-1 [Amended]**

3. In paragraph (b)(1) of § 98.33-1, "173.251, and 173.253;" should read "178.251, and 178.253;".

**§ 98.33-1 [Amended]**

4. In paragraph (b)(2) of § 98.33-1, "49 CFR 176.340(a)(4);" should read "49 CFR 176.340(a)(2);".

Dated: March 27, 1991.

D.H. Whitten,

Captain, U.S. Coast Guard, Acting Chief,  
Office of Marine Safety, Security and  
Environmental Protection.

[FR Doc. 91-7792 Filed 4-2-91; 8:45 am]

BILLING CODE 4910-14-M

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AB36

**Endangered and Threatened Wildlife and Plants; Endangered Status for White-Necked Crow**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service determines endangered status for the white-necked crow (*Corvus leucognaphalus*), a bird found in the Dominican Republic and Haiti, and formerly in Puerto Rico and the Virgin Islands. It disappeared in the latter areas because of human hunting and destruction of its natural forest habitat, and is now confronted by the same problems in those places where it does survive. This rule will implement the protection of the Endangered Species Act of 1973, as amended, for this crow.

**EFFECTIVE DATE:** May 3, 1991.

**ADDRESSES:** The complete file for this rule is available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, in room 750, 4401 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles W. Dane, Chief, Office of Scientific Authority; Mail Stop: room 725, Arlington Square; U.S. Fish and Wildlife Service, Washington, DC 20240 (703-358-1708 or FTS 921-1708).

**SUPPLEMENTARY INFORMATION:****Background**

The white-necked crow (*Corvus leucognaphalus*) resembles the crows of the mainland United States in physical appearance, but is distinguished by the pure white base of the feathers of the hind neck (Wetmore and Swales 1931). Also, in habits and voice, this species is more like ravens than like other crows. The ordinary call note is a high-pitched *klock* (Wetmore 1916).

This crow originally occurred in the Dominican Republic, Haiti, Puerto Rico and St. Croix in the U.S. Virgin Islands. It seems to thrive only where there are extensive growths of natural forest, and to disappear when these growths are cut down (Wetmore 1916). Because of this factor, and human hunting, the crow has been extirpated throughout its range, except in limited parts of the Dominican Republic and Haiti.

On July 25, 1986, the Service received a petition from Mr. Alexander R. Brash, Department of Biology, Rutgers University, requesting that the white-necked crow be added to the U.S. List of Endangered and Threatened Wildlife. On October 31, 1986, the Service made a finding that this petition had presented substantial information. On August 4, 1987, and in subsequent years, the Service made findings that the requested measure was warranted but precluded by other listing activity. Section 4(b)(3) of the Endangered Species Act, as amended in 1982, requires that, if a warranted but precluded finding is made with respect to a petition, a subsequent finding be made within 12 months as to whether the requested measure is warranted, not warranted, or warranted but precluded. In the Federal Register of December 27, 1989 (54 FR 53132-53134), the Service proposed to determine endangered status for the white-necked crow, and that proposal incorporated the Service's finding that listing of the species was warranted.

**Summary of Comments and Recommendations**

In the proposed rule of December 27, 1989, and associated notifications, all interested parties were requested to

submit factual reports or information that might contribute to development of a final rule. Cables were sent to United States embassies in the Dominican Republic and Haiti, requesting new data and the comments of the governments of these countries. Five responses were received. The Haitian Ministry of Agriculture indicated that it does not consider the white-necked crow to be endangered, but also that it has no data on numbers, distribution, and population trends of the species. All data that are available to the Service, including the comments from the Dominican Republic, the Department of Natural Resources of Puerto Rico, the Atlanta Regional Office of the U.S. Forest Service, and the Caribbean Field Office of the U.S. Fish and Wildlife Service, suggest that an endangered classification for the white-necked crow is appropriate. Some of these comments have been incorporated into the following discussion.

**Summary of Factors Affecting the Species**

After a thorough review and consideration of all information available, the Service has determined that the white-necked crow should be classified as endangered. Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the white-necked crow (*Corvus leucognaphalus*) are as follows:

**A. The present or threatened destruction, modification, or curtailment of its habitat or range.** Crows are generally thought to be highly adaptable birds that can thrive in large numbers in a variety of habitats, even if extensively disturbed by people. Actually, various island species of crows are restricted to very limited conditions and do not tolerate changes or the close proximity of human activity. Examples are the Hawaiian crow (*Corvus hawaiiensis*) and the Mariana crow (*C. kubaryi*), both of which the Service already classifies as endangered.

The white-necked crow has become progressively rarer and more restricted in distribution as its natural forest habitat has been invaded and modified by people. This bird once occurred on Saint Croix in the U.S. Virgin Islands, but was extirpated there long ago (Raffaele 1983). It survived on much of Puerto Rico until the 19th century, but then declined as most of the island's

forests were cleared for agricultural purposes (Brash 1987). By the early 20th century the species was considered to be almost gone from Puerto Rico (Wetmore 1916). The last record for the island was in the Luquillo Mountains in 1963, and the crow is now thought to have completely vanished from Puerto Rico (Raffaele 1983).

The white-necked crow apparently still occurs in the Dominican Republic and Haiti, which share the island of Hispaniola. However, the same process of forest destruction, which eliminated the species from Puerto Rico, now seems to be occurring on Hispaniola. According to Lewis and Coffey (1985), only 6.7 percent of Haiti was still forested in 1978, and all remaining large areas of forest are expected to disappear within 50 years. The forested portion of the Dominican Republic has declined from about 95 percent originally to less than 15 percent, and only about a third of the remaining forest is considered undisturbed (Hartshorn *et al.* 1981). The white-necked crow remained locally common in the Dominican Republic until the early 20th century (Wetmore 1931), but some recent surveys there either have had difficulty locating this bird, which is extremely localized in dry forests (Chandler Robbins, Patuxent Research Center, U.S. Fish and Wildlife Service, pers. comm.), or have been unable to find the species at all (Robert Waide, Center For Energy and Environmental Research, San Juan, pers. comm.). In commenting on the proposal, Francisco J. Vilella of the Service's Caribbean Field Office stated that during August 1989, he found the white-necked crow locally abundant in the forest reserve of Los Haitises in the Dominican Republic, but that generally the species is disappearing rapidly as forests are cleared and burned for both subsistence and mechanized agriculture. Two ornithologists in the Dominican Republic, contacted by the U.S. Embassy, commented that the white-necked crow also is declining as its habitat is lost to housing and road construction and tourist development.

**B. Overutilization for commercial, recreational, scientific, or educational purposes.** The white-necked crow is considered to have good-tasting flesh, and was extensively hunted as a game bird on Puerto Rico and Hispaniola. This factor contributed to its decline, especially as clearing of the forests made it accessible to hunters (Wetmore 1916; Wetmore and Swales 1931). In his comments on the proposed rule, Vilella noted that the crow still is being taken as game in the Dominican Republic and

also because it is considered, falsely, to be an agricultural pest.

**C. Disease or predation.** Not known to be a factor.

**D. The inadequacy of existing regulatory mechanisms.** The main problem for the species is habitat loss, which is not restricted by regulations.

**E. Other natural or manmade factors affecting its continued existence.** None now known.

The decision to determine endangered status for the white-necked crow was based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. A decision to take no action would exclude this bird from benefits provided by the Endangered Species Act. A decision to determine only threatened status would not adequately reflect the evident rarity and long-term problems confronting the species. Critical habitat is not being determined, as its designation is not applicable outside of the United States.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. Some actions are initiated prior to listing, conditions permitting. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that

activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. With respect to the white-necked crow, no Federal activities are known that would require conferral or consultation. Such measures may be called for, however, if the species is rediscovered or reintroduced in the Commonwealth of Puerto Rico.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21, set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and Commonwealth conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

#### National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register of October 25, 1983 (43 FR 49244).

#### References Cited

Brash, A.R. 1987. The history of avian extinction and forest conversion on Puerto Rico. Biological Conservation 39:97-111.

Hartshorn, G., G. Antonii, R. Dubois, D. Harcharik, S. Heckadon, H. Newton, C. Quesada, J. Shores, and G. Staples. 1981. The Dominican Republic. Country environmental profile. A field study. JRB Associates, McLean, Virginia, 84 pp.

Lewis, L.A., and W.V. Coffey. 1985. The continuing deforestation of Haiti. *Ambio* 14:158-160.

Raffaele, H.A. 1983. A guide to the birds of Puerto Rico and the Virgin Islands. Fondo Educativo Interamericano, San Juan, 255 pp.

Wetmore, A. 1918. Birds of Puerto Rico. U.S. Dept. Agriculture Bull., Number 326. 140 pp.

Wetmore, A., and B.H. Swales. 1931. The birds of Haiti and the Dominican Republic. U.S. National Museum Bull., Number 155, 483 pp.

**Author**

The primary author of this proposed rule is Ronald M. Nowak, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240 (703-358-1708 or FTS 921-1708).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation, and Wildlife.

**Regulation Promulgation**

**PART 17—[AMENDED]**

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal

Regulations, is hereby amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by adding the following, in alphabetical order under "BIRDS," to the List of Endangered and Threatened Wildlife:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \*  
(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS							
Crow, white-necked	<i>Corvus leucognaphalus</i>	U.S.A. (PR), Dominican Republic, Haiti.	Entire	E	419	NA	NA

Dated: February 14, 1991.  
 Suzanne Mayer,  
 Acting Director, Fish and Wildlife Service.  
 [FR Doc. 91-7778 Filed 4-2-91; 8:45 am  
 BILLING CODE 4310-55-]

# Proposed Rules

Federal Register

Vol. 56, No. 64

Wednesday, April 3, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 271 and 278

[Amdt. No. 331]

#### Food Stamp Program; Revision of the Definition of Insured Financial Institutions and Modification of Food Stamp Redemption Procedures

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes to amend Food Stamp Program regulations relative to food stamp redemption. This rule would change the definition of "insured financial institution". This change is necessary because of statutory revisions to the Federal bank insurance system. Financial institutions formerly insured by the Federal Savings and Loan Insurance Corporation (FSLIC) are now insured by the Savings Association Insurance Fund (SAIF), which is administered by the Federal Deposit Insurance Corporation (FDIC). This rule also proposes to modify the procedures for financial institutions which deposit food stamps at Federal Reserve Banks in order to be consistent with newly implemented changes in Federal Reserve requirements.

**DATES:** Comments on this proposed rulemaking must be received on or before June 3, 1991, to be assured of consideration.

**ADDRESSES:** Comments should be submitted in writing to Dwight Moritz, Chief, Coupon and Retailer Branch, Food Stamp Program, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) in room 706, 3101 Park Center Drive, Alexandria, Virginia 22302.

**FOR FURTHER INFORMATION CONTACT:** Dwight Moritz, Coupon and Retailer Branch, Benefit Redemption Division, Food and Nutrition Service, Alexandria, Virginia 22302, (703) 756-3418.

#### SUPPLEMENTARY INFORMATION:

##### Classification

##### *Executive Order 12291*

The Department has reviewed this proposed rule under Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has classified it as "not major". The rule will affect the economy by less than \$100 million a year. The rule is not likely to result in a major increase in costs or prices for consumers, industries, government agencies, or geographic regions. There will be no adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Although this rule will affect the business community, the effect is not expected to be significant.

##### *Executive Order 12372*

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related Notice(s) to 7 CFR part 3015, subpart V (Cite 48 FR 29115, June 24, 1983 or 48 FR 54317, December 1, 1983, as appropriate, and any subsequent notices that may apply), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

##### *Regulatory Flexibility Act*

This proposed rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354). The Administrator of the Food and Nutrition Service has certified that this action does not have a significant economic impact on a substantial number of small entities. The rule proposes only slight technical changes to the Food Stamp Program coupon redemption procedures to improve system accountability, while also revising the definition of "insured financial institution".

#### *Paperwork Reduction Act*

The provision in this rule concerning the definition of insured financial institutions does not contain reporting or record keeping requirements subject to approval by the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). The reporting requirements relating to the provisions on the redemption of food stamps have been approved by OMB under OMB number 0584-0085. The public reporting burden for this collection of information is estimated to average .020 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any burden, to the U.S. Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0584-0085), Washington, DC 20503.

#### Background

Current regulations at 7 CFR part 278 contain requirements that firms authorized by the Food and Nutrition Service to accept food stamps may redeem them only at financial institutions which are insured by the FDIC or the FSLIC; or at financial institutions which are insured under the Federal Credit Union Act and which have retail food stores or wholesale food concerns in their field of membership. 7 CFR 278.5. On August 9, 1989, the FSLIC, along with its parent organization, the Federal Home Loan Bank Board, cease to exist. These institutions have been consolidated into the Savings Association Insurance Fund pursuant to sections 211(6) and 401 of the Financial Institution Reform, Recovery and Enforcement Act of 1989 (FIRREA) (Pub. L. 101-73, 103 Stat. 183). The SAIF is administered by the FDIC. These rules propose to amend the Food Stamp Program regulations to delete FSLIC wherever that reference appears.

The Department also proposes to change the regulations to be consistent with the newly formulated Federal Reserve requirements that financial institutions submit only balanced

deposits to the Federal Reserve and use magnetic Ink Character Recognition (MICR) to encode on the Food Stamp Redemption Certificate the verified amount of coupons received from authorized firms. The redemption certificate is the deposit document that authorized firms use to deposit coupons with financial institutions for credit.

#### Deposit Balancing Requirements

Financial institutions accept 25 million redemption certificates annually. These documents are forwarded to Federal Reserve Banks along with the accompanying coupons and the financial institution's Food Coupon Deposit Document. The coupons are destroyed at the Federal Reserve Banks and the redemption certificates are forwarded to the Department's computer processing center where the value of each document is manually entered into a central database. The information is used to monitor and reconcile coupon redemption and deposit activity for over 222,000 firms and 10,000 financial institutions.

Currently, the Federal Reserve requires financial institutions to assemble food stamp deposits by coupon denomination in straps of 100 coupons. Retailers, however, may deposit fewer than 100 coupons of the same denomination. This difference in requirements has resulted in imbalances between the amounts shown on redemption certificates (which reflect the total value of retailers' food coupon deposits) and financial institutions' Food Coupon Deposit Documents (which reflect the value of only the coupons which the financial institution could assemble into 100-count straps). Consequently, it has not been possible to reconcile the value of Food Coupon Deposit Documents to the value of the corresponding Food Stamp Redemption Certificates.

Even though these two types of deposit documents have not necessarily reconciled, retailers have always received proper credit for the verified amount of coupons as reflected on the redemption certificate, and the financial institutions received proper credit from the Federal Reserve for the verified coupon amount as reflected on the Food Coupon Deposit Document. The Department, however, became concerned that unreconciled imbalances between the Food Coupon Deposit Document and the Food Stamp Redemption Certificates associated with a deposit could mask potentially fraudulent activity and leave the Food Stamp Program vulnerable to undetected abuse.

In an effort to improve the accountability in the food coupon redemption process and reduce the likelihood of fraud, the Department enlisted the cooperation of the Federal Reserve, which agreed to conduct a pilot Redemption Accountability Project in conjunction with the Department. The Federal Reserve modified its depositing requirements for food coupons, thus facilitating accuracy in Deposit Documents and Redemption Certificates. Financial institutions will be now required by the Federal Reserve to submit balanced deposits, which will be possible since they will be allowed to submit one nonstandard strap per coupon denomination with each food stamp deposit to the Federal Reserve. Thus, the value of each financial institution's Food Coupon Deposit Document to the Federal Reserve will equal the value of the food coupons deposited, as well as the value of the accompanying retailers' Food Stamp Redemption Certificates.

#### MICR-Encoding Requirement

Requiring financial institutions or retailers with MICR-encoding capability to MICR-encode the verified coupon amount on the redemption certificate will allow redemption data to be electronically captured at the Federal Reserve Banks and transmitted directly to the Department's computer processing center. This will eliminate manual data entry of over 25 million documents per year. It also allows the Federal Reserve Banks and the Department to achieve greater accuracy and accountability in the coupon reconciliation system, while using standard banking technology.

#### List of Subjects

##### 7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs—social programs.

##### 7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

Accordingly, 7 CFR parts 271 and 278 are proposed to be amended as follows:

1. The authority citation for parts 271 and 278 continues to read as follows:

Authority: 7 U.S.C. 2011–2029.

#### PART 271—GENERAL INFORMATION AND DEFINITIONS

##### § 271.2 [Amended]

2. In § 271.2 the definition of "Insured financial institution" is amended by removing the words "or the Federal Savings and Loan Insurance Corporation (FSLIC)".

#### PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

##### 3. In § 278.5:

a. Paragraph (a)(1) is amended by removing the words "or the Federal Savings and Loan Insurance Corporation (FSLIC)" in the first sentence, and adding two new sentences to the end of the paragraph.

b. Paragraph (a)(2) is revised.

The revision and additions read as follows:

##### § 278.5 Participation of insured financial institutions.

(a) *Accepting coupons.*

(1) \* \* \* All verified and encoded redemption certificates accepted by insured financial institutions shall be forwarded with the corresponding coupon deposits to the Federal Reserve Bank along with the accompanying Food Coupon Deposit Document (Form FNS-521). In accordance with Federal Reserve requirements, the coupon deposit value entered on the Food Coupon Deposit Document must be equal to the actual value of coupons being deposited and to the total value of verified amounts encoded on the corresponding redemption certificates.

(2) An insured financial institution shall verify the amount of the coupons being redeemed and record the amount in the designated space on the redemption certificate. In order to conform with Federal Reserve requirements, the verified amount shall be recorded in the appropriate field on the redemption certificate using Magnetic Ink Character Recognition (MICR) encoding. Redemption certificates accepted by insured financial institutions shall be forwarded with the corresponding coupon deposits to the Federal Reserve Bank along with the Food Coupon Deposit Document (Form FNS-521).

\* \* \* \* \*

Dated: March 29, 1991.

Betty Jo Nelsen,

Administrator, Food and Nutrition Service.  
[FR Doc. 91-7794 Filed 4-2-91; 8:45 am]

BILLING CODE 3410-30-M

## Agricultural Marketing Service

7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1120, 1124, 1126, 1131, 1132, 1134, 1135, 1137, 1138, 1139

[Docket No. AO-14-A64, etc; DA-90-017]

## Milk in the New England and Other Marketing Areas; Notice of Extension of Time for Filing Briefs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing briefs and reply briefs.

7 CFR part	Marketing area	AO Nos.
1001	New England	AO-14-A64
1002	New York-New Jersey	AO-71-A79
1004	Middle Atlantic	AO-160-A67
1005	Carolina	AO-388-A3
1006	Upper Florida	AO-356-A29
1007	Georgia	AO-366-A33
1011	Tennessee Valley	AO-251-A35
1012	Tampa Bay	AO-347-A32
1013	Southeastern Florida	AO-286-A39
1030	Chicago Regional	AO-361-A28
1032	Southern Illinois-Eastern Missouri	AO-313-A39
1033	Ohio Valley	AO-166-A60
1036	Eastern Ohio-Western Pennsylvania	AO-179-A55
1040	Southern Michigan	AO-225-A42
1044	Michigan Peninsula	AO-299-A26
1046	Louisville-Lexington-Evansville	AO-123-A62
1049	Indiana	AO-319-A38
1050	Central Illinois	AO-355-A27
1064	Greater Kansas City	AO-23-A60
1065	Nebraska-Western Iowa	AO-86-A47
1068	Upper Midwest	AO-178-A45
1075	Black Hills, South Dakota	AO-248-A21
1076	Eastern South Dakota	AO-260-A30

7 CFR part	Marketing area	AO Nos.
1079	Iowa	AO-295-A41
1093	Alabama-West Florida	AO-386-A11
1094	New Orleans-Mississippi	AO-103-A53
1096	Greater Louisiana	AO-257-A40
1097	Memphis, Tennessee	AO-219-A46
1098	Nashville, Tennessee	AO-184-A55
1099	Paducah, Kentucky	AO-183-A45
1106	Southwest Plains	AO-210-A52
1108	Central Arkansas	AO-243-A43
1120	Lubbock-Plainview, Texas	AO-328-A30
1124	Pacific Northwest	AO-368-A19
1126	Texas	AO-231-A60
1131	Central Arizona	AO-271-A29
1132	Texas Panhandle	AO-262-A40
1134	Western Colorado	AO-301-A22
1135	Southwestern Idaho-Eastern Oregon	AO-380-A9
1137	Eastern Colorado	AO-326-A26
1138	Rio Grande Valley	AO-335-A36
1139	Great Basin	AO-309-A30

**SUMMARY:** This notice extends the time for filing briefs and reply briefs on the record of the national hearing held from September 5, 1990 through November 20, 1990 at Eau Claire, Wisconsin; Minneapolis, Minnesota; St. Cloud, Minnesota; Syracuse, New York; Tallahassee, Florida; and Irving, Texas concerning proposals to amend all Federal milk marketing orders. Several parties requested more time to review the hearing record and to prepare briefs.

**DATES:** Briefs are now due on or before April 30, 1991. Reply briefs are now due on or before May 14, 1991.

**ADDRESSES:** Briefs (4 copies) and Reply briefs (4 copies) should be filed with the Hearing Clerk, room 1083, South Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 447-4829.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding:

Advance Notice of Proposed Rulemaking: Issued March 29, 1990; published April 3, 1990 (55 FR 12369).

Notice of Hearing: Issued July 11, 1990; published July 17, 1990 (55 FR 29034).

Notice is hereby given that the time for filing briefs and reply briefs, proposed findings and conclusions on the record of the public hearing held from September 5, 1990 through November 20, 1990 at Eau Claire, Wisconsin; Minneapolis, Minnesota; St. Cloud, Minnesota; Syracuse, New York; Tallahassee, Florida; and Irving, Texas with respect to tentative marketing agreements and to the orders regulating the handling of milk in all Federal milk marketing areas pursuant to notice of hearing issued July 11, 1990 and published July 17, 1990 (55 FR 29034) is hereby extended to April 30, 1991 for briefs; and to May 14, 1991 for reply briefs.

A Decision and Order, signed at Washington, DC on March 28, 1991, reverses the action of the Administrative Law Judge that had prohibited the Department of Justice from filing post-hearing briefs and exceptions in this rulemaking proceeding. This Decision and Order also specifically orders that the testimony of the Department of Justice's witness may be addressed in any and all briefs filed in this rulemaking proceeding.

In consideration of several requests for an extension of time due to the complexity of the issues contained in a voluminous record, and requests for extensions of the briefing period should the Department allow post-hearing briefs on the testimony of the Department of Justice, an extension of time to file briefs and reply briefs is granted in accordance with the above noticed deadlines.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

List of Subjects in 7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1120, 1124, 1126, 1131, 1132, 1134, 1135, 1137, 1138, 1139

Milk, Milk marketing orders.

Signed at Washington, DC, on March 28, 1991.

Daniel D. Haley,

Administrator.

[FR Doc. 91-7818 Filed 4-2-91; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

#### 33 CFR Part 207

#### St. Marys Falls Canal and Locks, Michigan; Use, Administration, and Navigation

**AGENCY:** Corps of Engineers, Department of the Army, DOD.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Corps of Engineers proposes to amend the regulations which establish the operating schedule for Soo Locks at the St. Marys Falls Canal, Sault Ste. Marie, Michigan to change the annual closing date from December 15 to January 15. This proposed rule also eliminates the provision in the current regulation that permits users of the locks to request extension of the closing date to meet the reasonable demands of commerce.

**DATES:** Written comments must be received on or before May 3, 1991. If this proposed rule is adopted as a final rule, the proposed effective date will be 30 days after publication of the final rule in the Federal Register.

**ADDRESSES:** Submit written comments, in duplicate, to: Mr. Mark S. Grazioli, Chief, Construction—Operations Division, Detroit District, U.S. Army Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231-1027; or deliver them to Mr. Grazioli or Mr. Richard R. Doebler at the Detroit District office at 477 Michigan Avenue, Detroit, Michigan, between the hours of 7:30 a.m. and 4 p.m. Monday through Friday. Comments received and other materials relevant to this proposed rulemaking can be inspected at Mr. Grazioli's office during the same hours. An appointment may be required for inspection, so please call ahead to confirm availability and to avoid any conflicts with inspections by other interested persons. A reasonable fee may be charged for copying services.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Kidby at Corps of Engineers Headquarters in Washington, DC, at (202) 272-8839.

**SUPPLEMENTARY INFORMATION:**

### Legal Authority

The legal authority for the regulation governing the use, administration, and navigation of the St. Marys Falls Canal and Locks is section 4 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), as amended, which is codified at 33 U.S.C. 1. This statute requires the Secretary of the Army to "prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States" as the Secretary determines may be required by public necessity.

### Background

The regulation governing the operation of the St. Marys Falls Canal and Locks, in 33 CFR 207.440, was adopted on November 27, 1945 (10 FR 14451), and has been the subject of nine amendments. The provision setting out the current closing date for the locks was adopted on October 30, 1956 (21 FR 8285). It established a closing date of December 15, but permitted users of the locks, prior to November 1 of any year, to request that the closing date be extended to meet the reasonable demands of commerce, subject to weather and ice conditions during the period requested.

The length of the operating season at the Soo Locks has been the subject of a number of studies. During the 1970s, as authorized by the River and Harbor Act of 1970, the locks were kept open for as long as the entire year in a demonstration program on winter navigation. A Detroit District staff report and supplemental environmental impact statement (EIS) completed in 1979 recommended operation of the locks each year to January 8  $\pm$  1 week. Based on extensive environmental studies, a second supplemental EIS, dated September 1989, was completed by the Detroit District, concluding that no significant adverse environmental effects would result from annual operation of the locks as late as January 31  $\pm$  2 weeks, and recommending that the closing date for the locks be extended to January 31  $\pm$  2 weeks.

Users of the locks have regularly requested, and provided economic justification for, extension of the closing date beyond December 15. Beginning with the 1979 navigation season, the following have been the closing dates of the Soo Locks: January 15, 1980; December 31, 1980; December 31, 1981; December 27, 1982; January 1, 1984; January 5, 1985; January 2, 1986; December 31, 1986; January 15, 1988; January 15, 1989; December 27, 1989; and January 14, 1991.

### History of the Present Amendment

After reviewing the pertinent background information, the conclusions of the September 1989 EIS, and the results of coordination with industry and environmental groups, the Detroit District Engineer concluded that the public interest would be best served by establishing a new fixed annual closing date for the Soo Locks. The environmental data and economic needs supported the conclusion that January 15 would be an appropriate closing date each year. The overall adverse environmental effect of operating the locks to as late as February 15 would not be significant. Setting the closing date four weeks earlier, though, would clearly fall within the recommendations of the environmental studies while not having a major effect on users of the locks. An annual fixed date of January 15 would provide shipping interests and industry with the certainty needed to operate efficiently during the winter season. It was also concluded that the routine application of weather and ice criteria to the determination of the closing date would no longer be appropriate. The District Engineer further concluded that the current provision for modification of opening and closing dates in emergency conditions should be retained.

The District Engineer disseminated his conclusion on a fixed closing date to interested governmental, environmental, and business interests in a March 1990 letter. (The letter also dealt with possible modifications to the spring opening date for the locks, but no such proposal is being considered in this notice.) Recipients of the letter were requested to comment on the issues it raised. On August 6, 1990 the Division Engineer of the North Central Division issued a Record of Decision containing the essence of the proposal that is the subject of this notice.

### Proposed Amendments to the Regulation

Based on consideration of the responses to the March 1990 letter, further review of the pertinent background information in light of those responses, and the rationale set forth in the August 6, 1990 Record of Decision, the Corps of Engineers has determined that the public interest would be best served by establishing a fixed annual closing date of January 15 for the Soo Locks. As was concluded by the District and Division Engineers, the January 15 date is well within the recommendations of the September 1989 EIS. From any economic perspective, the establishment

of a fixed closing date will create an atmosphere of stability and certainty within which Great Lakes shipping interests and industries can plan and conduct their operations, and is economically justifiable. In addition, an unpredictable season based on closing criteria is no longer justified.

The establishment of a fixed closing date for the locks will result in two modifications to the current regulation. At present, the regulation provides that users of the locks may request (on or before November 1) that the closing date be extended past December 15 to meet the needs of commerce, if weather and ice conditions permit. Because the establishment of a fixed closing date addresses the environmental and economic concerns underlying this provision, it is proposed that this provision be removed from the regulation. The other proposed change is the substitution of "January" for "December" in references to the closing date of the locks.

The Corps of Engineers proposes that the present authority of the Division Engineer to modify opening and closing dates in emergency conditions be retained. By their very nature, emergencies cannot be exhaustively defined. The example given in the current regulation is disaster to a vessel. Under the fixed closing date proposal, this type of emergency would remain a basis for modifying the operating dates of the locks. Similarly, national defense emergencies, extraordinary environmental circumstances, or extraordinary national or regional economic circumstances could also invoke the exercise of the Division Engineer's authority. As noted above, these examples are not intended to be exhaustive or exclusive.

#### Classification

1. The undersigned has reviewed this action and hereby certifies that it is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small businesses or other entities.

2. The Department of the Army has determined that this regulation will not affect the use or value of private property and, therefore, does not require a Takings Assessment under Executive Order 12630.

3. This proposed rule has been determined not to be a major rule under Executive Order 12291, and a Regulatory Impact Analysis (RIA) Statement will not be prepared since the proposed changes will not result in significant adverse economic effects identified in

the Executive Order as grounds for a finding of major action.

#### Environmental Documentation

This action was the subject of a Final Environmental Impact Statement (FEIS), September 1989, which concluded that there would not be significant adverse environmental effects from extending the operating season of the locks four weeks beyond the date now proposed. The FEIS is available for review upon request from the individual listed under ADDRESSES.

#### Public Comments Requested

Any interested party may file written comments, objections, or suggestions on any aspect of this proposed rule within the 30-day period for public comment.

#### List of Subjects in 33 CFR Part 207

Navigation (Water), Water Transportation, Vessels.

For the reasons set out in the preamble, title 33, chapter II of the Code of Federal Regulations is proposed to be amended as follows.

#### PART 207—[AMENDED]

1. The authority citation for part 207 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1).

2. Paragraph 207.440 is amended by revising paragraph (u) to read as follows:

§ 207.440 St. Marys Falls Canal and Locks, Michigan; use, administration and navigation.

(u) The locks will be open and closed to navigation each year as provided in paragraphs (u) (1) and (2) of this section except as may be authorized by the Division Engineer. Consideration will be given to change in these dates in an emergency involving disaster to a vessel or other extraordinary circumstances.

(1) *Opening date.* At least one lock will be placed in operation for the passage of vessels on April 1. Thereafter, additional locks will be placed in operation as traffic density demands.

(2) *Closing date.* The locks will be maintained in operation only for the passage of downbound vessels departing from a Lake Superior port before midnight (2400 hours) of January 14, and of upbound vessels passing Detour before midnight (2400 hours) of January 15. Vessel owners are requested to report in advance to the Engineer in charge at Sault Ste. Marie, the name of vessel and time of departure from a Lake Superior port on January 14 before midnight, and of vessels passing Detour

on January 15 before midnight, which may necessitate the continued operation of a lock to permit passage of vessel.

G. Edward Dickey,

Acting Principal Deputy, Assistant Secretary (Civil Works).

[FR Doc. 91-7751 Filed 4-2-91; 8:45 am]

BILLING CODE 3710-06-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[Region II Docket No. 107; FRL-3919-2]

#### Approval and Promulgation of Implementation Plans for New York

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** This notice announces the Environmental Protection Agency's (EPA's) intention to approve on a permanent basis, an earlier approved temporary revision to the New York State Implementation Plan (SIP) which allowed Orange and Rockland Utilities, Inc. to reconvert two units at its Lovett Generating Station in Stony Point, New York from oil to coal. The current temporary revision expired on December 9, 1990, but was extended by EPA for six months to allow time for processing the State's request for a permanent SIP revision. This revision relaxes the normal emission limit of 0.4 pounds of sulfur dioxide per million British thermal units (lbs/MMBtu) to 1.0 lb/MMBtu for units 4 and 5 if both are operated on coal, or to 1.5 lb/MMBtu for one unit if the other is operated on fuel oil, natural gas or is not operated at all. Today, EPA is proposing approval of a permanent revision to New York's SIP to allow coal burning at this facility.

**DATES:** Public comments on this proposed approval of a revision to the New York SIP are requested and will be considered before taking final action on this SIP revision request. Comments must be received on or before May 3, 1991.

**ADDRESSES:** All comments should be addressed to:

Constantine Sidamon-Eristoff, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, room 905, New York, New York 10278.

Copies of the state submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region II Office, Air Programs Branch,  
26 Federal Plaza, room 1118, New  
York, New York 10278  
New York State Department of  
Environmental Conservation, Division  
of Air Resources, 50 Wolf Road,  
Albany, New York 12233.

**FOR FURTHER INFORMATION CONTACT:**  
William S. Baker, Chief, Air Programs  
Branch, Environmental Protection  
Agency, 26 Federal Plaza, room 1118,  
New York, New York 10278, (212) 264-  
2517.

**SUPPLEMENTARY INFORMATION:**

**Background**

In a Federal Register notice published on March 15, 1983 (48 FR 11093), the EPA announced that the State of New York had submitted a request to revise the sulfur dioxide (SO<sub>2</sub>) portion of its SIP. This revision sought to allow Orange and Rockland Utilities, Inc. (ORU) to reconvert two units at its Lovett Generating Station in Stony Point, New York from oil to coal. It entailed relaxing the normal emission limit of 0.4 lbs/MMBtu to 1.0 lb/MMBtu for units 4 and 5 if both are operated on coal, or 1.5 lb/MMBtu for one unit if the other is operated on fuel oil, natural gas or is not operated at all.

In order to approve the New York SIP revision request, EPA required a demonstration that the conversion would not adversely affect air quality. A modeling demonstration submitted by the New York State Department of Environmental Conservation (NYSDEC) with its original SIP revision request indicated that the proposed conversion would not cause or contribute to a violation of the national ambient air quality standards (NAAQS) for SO<sub>2</sub>. However, this model was not consistent with EPA's Guideline to Air Quality Models (revised), (EPA-450/2-78-027R).

Due to the uncertainties associated with state-of-the-art complex terrain modeling, EPA decided that only post-conversion monitoring could verify the accuracy of the State's complex terrain modeling results. Consequently, on November 21, 1984 (49 FR 45872), EPA published a supplemental Federal Register notice which described an agreement between EPA, NYSDEC, and ORU under which ORU was allowed to reconvert the Lovett facility to coal and replace two existing stacks with a single 475 foot stack.

Under this agreement, New York State received a temporary relaxation in its SO<sub>2</sub> SIP in order to allow ORU to burn coal for a 42-month test period. During this time, ORU was required to monitor the effects on ambient air quality of the

reconversion and conduct an evaluation of three air quality dispersion models: the EPA Complex I model, the NYSDEC model, and a modified NYSDEC model. Based upon a statistical comparison between the predicted concentrations generated by the models and the measured concentrations obtained at 12 monitoring sites located around the facility, ORU determined which model was the most accurate predictor of air quality at the site. This model was then used by NYSDEC to demonstrate acceptable air quality impacts of the facility in the subsequent SIP revision request for the permanent reconversion. EPA's final approval of the 42-month special emission limitation and model evaluation study appeared in the Federal Register on May 30, 1985 (50 FR 23004). The 42-month period started on June 6, 1987, when unit 5 of the Lovett plant began burning coal.

**The State Submittal**

On September 18, 1990, NYSDEC submitted a facility specific SO<sub>2</sub> SIP revision request for the Lovett Power Plant. If approved, this revision would allow Lovett to convert units 4 and 5 permanently from oil to coal. The State's request was supported by a demonstration that the conversion would not lead to a violation of the Prevention of Significant Deterioration increment or NAAQS for SO<sub>2</sub> based upon modeling results obtained from the modified NYSDEC Complex Terrain model. The modified NYSDEC model had the best performance of the three models evaluated during the 42-month test period. Documents submitted by NYSDEC to support the SIP revision request include Lovett Generating Station Model Evaluation Study, Lovett Generating Station Emission Limitation Study, and the Review of Orange and Rockland Model Evaluation Study and Emission Limitation Study for Lovett Facility for Units 4 and 5. In addition, monitoring for ambient air quality at a number of locations impacted by the Lovett Power Plant demonstrated compliance with the NAAQS for SO<sub>2</sub>.

**Finding**

Since it was found that the air quality impacts from the proposed coal conversion will not result in any violations of the NAAQS for SO<sub>2</sub> and ORU has met the requirements under which it could convert to coal, EPA is proposing to approve the SIP submittal allowing Lovett to burn coal with the emission limitations identified earlier. (For further details on the models and the results of the evaluation study, the reader is referred to a Technical Support Document available at the locations

identified earlier in the "ADDRESSES" section of today's notice).

It should be noted that on December 12, 1990 (55 FR 51101), EPA extended the 42-month special limitation for a period of six months due to delays in processing an approvable State-submitted permanent SIP revision request for the facility. In approving the original 42-month special emission limitation, EPA gave itself the option of granting such an extension should delays in processing arise, provided that ORU met specific conditions (see 40 CFR 52.1675). For further information on the granting of this extension, the reader is referred to the December 12, 1990, Federal Register notice.

NYSDEC requested that EPA parallel process the proposed SIP revision for the Lovett facility while the State completes those administrative procedures needed to issue permanent Permits to Operate for units 4 and 5 at the Lovett facility. It is EPA's understanding that the Permits to Operate which the State intends to issue for units 4 and 5 will be consistent with the operating conditions mentioned earlier in this notice (namely, an SO<sub>2</sub> emission limit of 1.0 lb/MMBtu for units 4 and 5 if both are operated on coal, or 1.5 lb/MMBtu for one unit if the other is operated on fuel oil natural gas or is not operated at all). EPA is proposing permanent approval of these emission limitations.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act, and 40 CFR part 51.

Nothing in this action should be construed to permit, allow or establish a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The EPA has reviewed this request for revision of the federally approved SIP for conformance with the provisions of the 1990 Amendments to the Clean Air Act enacted on November 15, 1990. EPA has determined that this action conforms with those requirements, irrespective of the fact that the submittal preceded the date of enactment.

EPA is soliciting public comments on this notice and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in this federal rulemaking procedure by

submitting written comments to the address above.

This revision to the New York SIP is being proposed under a procedure called "parallel processing" (47 FR 27073). If the proposed revisions are substantially changed from those identified in this notice, EPA will evaluate those changes and may publish a revised notice of proposed rulemaking. If no substantial changes are made, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by New York and submitted to EPA for incorporation into the SIP. Parallel processing will reduce the time necessary for final approval of these SIP revisions by three or four months.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

#### List of Subjects in 40 CFR Part 52

Air pollution control, and Sulfur oxides.

Authority: 42 U.S.C. 7401-7642.

Dated: March 21, 1991.

Constantine Sidamon-Eristoff,

Regional Administrator.

[FR Doc. 91-7820 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Parts 180 and 186

[OPP-300227; FRL-3844-7]

#### Chlordimeform; Proposed Revocation of Tolerances and Feed Additive Regulation

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

**SUMMARY:** This document proposes (1) the revocation of tolerances listed at 40 CFR 180.285 for combined residues of the insecticide chlordimeform [*N*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamide] and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as the insecticide) from application of the

insecticide as the free base or as the hydrochloride salt in or on various agricultural commodities, and (2) the revocation of the feed additive regulation listed at 40 CFR 186.750 for residues in the animal feed cottonseed hulls, resulting from carryover and concentration of residues in this animal feed when present as a result of application of the insecticide to the growing crop cotton. These proposed actions are being initiated by EPA to remove all remaining tolerances and the feed additive regulation for residues of a pesticide for which all registered uses have been voluntarily cancelled by the registrants. EPA is proposing to revoke these tolerances and the feed additive regulation effective on December 31, 1991.

**DATES:** Written comments, identified by the document control number [OPP-300227], must be received on or before June 3, 1991.

**ADDRESSES:** By mail, submit comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 246, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed as confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Martha Lamont, Special Review and Reregistration Division (H7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, Rm. 1L3, Crystal Station 1, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8033.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of September 19, 1988 (53 FR 36422), the Agency proposed not to initiate a Special Review of Chlordimeform because chlordimeform registrations had been amended at the registrants' request, to terminate on February 19, 1989. Both chlordimeform

registrants, the Ciba-Geigy Corp. and Nor-Am Chemical Co., also requested the immediate revocation of all tolerances listed in 40 CFR 180.285 except those associated with cotton; they requested the withdrawal of the cotton-related tolerances effective December 31, 1990. Both companies stated that they would recall any unused stocks down to the user level and would dispose of these recalled stocks. The Agency's order of cancellation of chlordimeform and final decision not to initiate Special Review was published in the *Federal Register* of February 8, 1989 (54 FR 6242). In this final rule, in response to numerous comments from users, State officials, and researchers, and after conducting a risk/benefit analysis of the use of existing stocks of chlordimeform for one more season and determining that such use did not pose unreasonable risks, the Agency decided to allow use of existing stocks of chlordimeform in the possession of end users until October 1, 1989. Sale or distribution of existing stocks in the possession of registrants, distributors, or retailers was prohibited after February 19, 1989. Registrants were required to recall those stocks in the hands of distributors and retailers.

The Agency has, since then, revoked most tolerances listed in 40 CFR 180.285 and amended some cotton-related tolerances while others remained unchanged (see 54 FR 43424; October 25, 1989).

Because chlordimeform is no longer registered for use on any food crop, and because a tolerance is generally not necessary for a pesticide chemical which is not registered for the particular food use, EPA is proposing to revoke (1) the tolerances listed at 40 CFR 180.285 for combined residues of chlordimeform and its metabolites containing the 4-chloro-*o*-toluidine moiety in or on the following raw agricultural commodities: cottonseed, milk, eggs, and meat, fat and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry; and (2) the feed additive regulation listed at 40 CFR 186.750 for combined residues of chlordimeform in the animal feed cottonseed hulls.

Information available to the Agency indicates that approximately 1 million acres of cotton were treated with chlordimeform in 1989 and that some of the cottonseed byproducts obtained from the treated cotton (e.g., meal and oil) may still be marketed in 1990 and 1991. Therefore, in order not to disrupt the marketing of commodities which have been legally treated (i.e., treated prior to October 1, 1989), the Agency is proposing to revoke these tolerances

and the feed additive regulation on December 31, 1991. The Agency believes this will allow sufficient time for treated commodities to clear channels of trade.

Since chlordimeform does not appear to be persistent in the environment, the Agency does not expect environmental contamination of untreated cotton crops planted after October 1989. Therefore, no levels of chlordimeform or its metabolites would be expected to appear in food or feed products once the cotton treated in 1989 has cleared the food supply.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the *Federal Register* that this rulemaking proposal, as it pertains to tolerances established under section 408, be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, and Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposal to revoke the tolerances for combined residues of chlordimeform listed at 40 CFR 180.285 in cottonseed, milk, eggs, and meat, fat and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry; and the feed additive regulation for combined residues of chlordimeform listed at 40 CFR 186.750 in the animal feed cottonseed hulls. All written comments filed pursuant to this document must bear a notation indicating the document control number, [OPP-300227], and must be received on or before the date noted above under "Date." All written comments filed pursuant to this document will be available for public inspection in Rm. 246, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, between 8 a.m. and 4 p.m., Monday through Friday, except legal holidays.

In order to satisfy requirements for analysis as specified by Executive Order 12291 and the Regulatory Flexibility Act, the Agency has analyzed the costs and benefits of this proposal. This analysis is available for public inspection in Rm. 246 at the address given above.

#### Executive Order 12291

Under Executive Order 12291, the Agency must determine whether a proposed regulatory action is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. The Agency has determined that this proposed rule is not a major

regulatory action, i.e., it will not have an annual effect on the economy of at least \$100 million, will not cause a major increase in prices, and will not have a significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises.

This proposed rule has been reviewed by the Office of Management and Budget as required by E.O. 12291.

#### Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164; 5 U.S.C. 601 et seq.), and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations.

This regulatory action is intended to prevent the sale of foodstuffs primarily where the subject pesticide has been used in an unregistered or illegal manner. Because all registrations for use of chlordimeform on food crops have now been cancelled, the Agency anticipates that little or no economic impact would occur at any level of business enterprise if these tolerances and the feed additive regulation were revoked.

Accordingly, I certify that this regulatory action does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

#### List of Subjects in 40 CFR Parts 180 and 186

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Animal feeds, Reporting and recordkeeping requirements.

Dated: March 11, 1991.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR parts 180 and 186 be amended as follows:

#### Part 180—[AMENDED]

1. In part 180:
  - a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

#### § 180.285 [Removed]

- b. By removing § 180.285 *Chlordimeform*.

#### Part 186—[AMENDED]

2. In part 186:
  - a. The authority citation for part 186

continues to read as follows:

Authority: 21 U.S.C. 348.

#### § 186.750 [Removed]

- b. By removing § 186.750 *Chlordimeform*.

[FR Doc. 91-7682 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-F

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### 48 CFR Chapter 53

#### Air Force Systems Command Federal Acquisition Regulation Supplement Clause: Total System Performance Responsibility (TSPR)

**AGENCY:** Department of the Air Force, DOD.

**ACTION:** Proposed rule, extension of comment period.

**SUMMARY:** The Department of the Air Force publishes this notice to advise all interested parties that it is extending the time allowed for public comment on the notice of proposed rulemaking published in the *Federal Register* on March 22, 1991, at 56 FR 12145. Since publication of the proposed rule, the Air Force has received requests for extension of the comment date. This extension will allow the public additional time to more adequately address their concerns.

The Air Force Systems Command (AFSC) TSPR clause is used in contracts for large complex development work, which involves the integration of subsystems that are developed under other government contracts. The clause ensures that design requirements are clearly recognized and that the design of subsystems, which are developed under other government contracts, are compatible with the system.

**DATES:** Written comments on the notice of proposed rulemaking published at 56 FR 12145 must be received by May 22, 1991 to be considered in the final rule.

**ADDRESSES:** AFSC/PKCP, ATTN: Carolyn Carrick, Andrews AFB DC 20334-5000.

**FOR FURTHER INFORMATION CONTACT:** Carolyn Carrick, telephone 301 981-4022.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-7743 Filed 4-2-91; 8:45 am]

BILLING CODE 3910-01-M

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR PART 71**

[OST Docket No. 47488; Notice No. 91-8]

RIN 2105-AB90

**Standard Time Zone Boundary in the State of Indiana; Proposed Relocation****AGENCY:** Office of the Secretary, Department of Transportation (DOT).**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Board of Commissioners of Starke County, Indiana, DOT proposes to relocate the boundary between eastern time and central time in the State of Indiana. DOT proposes to relocate the boundary in order to move Starke County, located in the northwest corner of the state, from the Central Time Zone to the Eastern Time Zone.

**DATES:** Comments should be received by June 3, 1991, to be assured of consideration. Comments received after that date will be considered to the extent practicable. If the time zone boundary is changed as a result of this rulemaking, the expected effective date is 2:00 a.m. cdt Sunday, October 27, 1991.

**ADDRESSES:** Comments should be sent to Documentary Services Division, Attention: OST Docket No. 47488, Department of Transportation, C-55, room 4107, Washington, DC 20590 ((202) 366-9323). Persons who wish to have acknowledgement that their comments have been received should include a self-addressed stamped postcard on which the Docket Clerk will note the date and time of receipt.

**PUBLIC HEARINGS:** A public hearing will be chaired by a representative of DOT at the Circuit Court for Starke County in Knox, Indiana, on Thursday, April, 1991 at 7 p.m. The hearings will be informal and will be tape recorded for inclusion in the docket. Persons who desire to express opinions or ask questions at the hearings do to have to sign up in advance or give any prior notification. To the greatest extent practicable, the DOT representative will provide an opportunity to speak for all those wishing to do so.

**FOR FURTHER INFORMATION CONTACT:** Robert C. Ashby or David Crawford, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, room 10424, 400 Seventh Street, Washington, DC 20590, (202) 366-9306.

**SUPPLEMENTARY INFORMATION:****Background**

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate of foreign commerce."

**Time Observance in Indiana: General History**

The appropriate time zone for Indiana has been the subject of much debate since time zones were first established. When time zones were first adopted by the Federal Government in 1918, all of Indiana was in the Central Time Zone. In 1961, the Interstate Commerce Commission (DOT's predecessor in this regard) moved the eastern half of the State to the Eastern Time Zone, but denied requests to include more of the State in the Eastern Time Zone.

In 1967, DOT proposed to rescind the ICC action and restore the entire State to central time. That proposal, issued at the request of the Governor of Indiana, was overwhelmingly unpopular with the people of Indiana; consequently, in 1968 DOT amended its 1967 proposal by proposing to include in the Eastern Time Zone all of the State except six counties in the northwest near Chicago, Illinois, and seven counties in the southwest. That amended proposal met with great support, with one modification: there was support for leaving only six of the southwestern counties in the Central Time Zone. Effective April 27, 1969, therefore, all of the State was put in the Eastern Time Zone except six counties in the northwest and six in the southwest.

In 1977, at the request of the Board of County Commissioners of Pike County, one of the six southwestern counties in the Central Time Zone, DOT conducted a proceeding similar to this one that resulted in Pike County being moved from the Central Time Zone to the Eastern Time Zone. In 1985, at the request of the General Assembly of the State of Indiana, DOT conducted a proceeding to consider moving the five remaining southwestern Indiana counties from the central to the eastern time zone. However, upon finding that such a move would not serve the "convenience of commerce," DOT denied the petition to move the five remaining southwestern counties to Eastern Standard Time.

**Time Observance in Indiana: Current Situation**

The State of Indiana is unique in the pattern of its observance of standard time and daylight saving time (dst). Although twelve other states are in two time zones, only in Indiana are there three distinct areas of time observance. In the northwest near Chicago, Illinois, and including the cities of Gary and Hammond, Indiana, are six Indiana counties in the Central Time Zone. In the southwest, including Evansville, Indiana, but not touching the six northwestern counties, are five counties in the Central Time Zone. The rest of the state (81 counties) is in the Eastern Time Zone, including the area between the two Central Time Zone areas. To compound the uniqueness of time observance in Indiana, the state has a state law exemption from dst, but the law applies only to the Eastern Time Zone area of the state. As a consequence, during the period of the year when dst is in effect, despite the difference in time zones, the entire state observes a uniform clock time.

**Time Observance in Indiana: Starke County History**

In 1981, at the request of the Board of County Commissioners of Starke County, one of the six northwestern counties in the Central Time Zone, DOT conducted a proceeding similar to this one to consider moving Starke County from central time to eastern time. DOT decides at the end of the proceeding not to move Starke County from central time to eastern time. Subsequently, the Board of County Commissioners of Starke County and the Board of County Commissioners of Jasper County made separate, formal requests to DOT in 1986 to move each county from central time to eastern time.

In a March 30, 1987 decision, the Department denied Starke County's and Jasper County's petition. The primary reason for both denials was that far more of the Counties' residents commuted to the Chicago, Illinois, area—and the Central Time Zone—rather than to the Eastern Time Zone. Furthermore, such commuting patterns indicated that many more commuters would be inconvenienced by changing the county to eastern time than would be helped by making such a change. Thus, the Department concluded it would not serve the convenience of commerce to move the county into the Eastern Time Zone.

The reasoning in the Department's 1987 denial was consistent with the reasoning in its 1981 denial; in both

proceedings, the Department relied upon the commuting patterns of the county residents as a basis for its decisions. Therefore, DOT would appreciate especially any comments or submissions addressed to changes in the commuting patterns of Starke County residents since 1986.

#### The Proposal

A formal Resolution from the Board of Commissioners of Starke County was received by DOT on July 6, 1990, requesting that Starke County be moved from the Central Time Zone to the Eastern Time Zone. Starke County is adjoined by Marshall County to the east, St. Joseph County to the northeast, Fulton County to the southeast and Pulaski County to the south; all of these counties are in the Eastern Time Zone. It is adjoined by La Porte County to the north, Porter County to the northwest and Jasper County to the southwest; all of these counties are in the Central Time Zone along with Starke County.

Accompanying the resolution was information indicating that the requested change, if made, would serve the "convenience of commerce." In their submissions, the county representatives provided a number of examples of how the requested change, if made, would serve the convenience of commerce. In addition, they submitted letters from local banks and businesses supporting the change. A representative of the Starke County Commissioners submitted a detailed memorandum providing background information on many factors affecting life within the county.

The memorandum discussed the location and operation of financial institutions, the local economy, work patterns of county residents, business relationships outside the county, which radio and television stations can be received in the county, where popular newspapers are published, what kind of transportation services are available, school district boundaries, athletic schedules, recreation opportunities, and how health services are provided. Furthermore, DOT received a newspaper article printed in the *Leader*, a local daily circulated in Starke and Pulaski counties, which summarized the views of the voters of Starke County as being in favor of the time zone change. Voting on a time change referendum submitted in the primary election in May of 1990, the people of Starke County approved the time zone change by a vote of 1,995-939. According to the *Leader*, voters were 2-1 in favor of a switch to the Eastern Time Zone from the Central Time Zone. Also, the memorandum discussed how the local commuting patterns had changed along

with the shift in the business interests and locations of Starke County residents' employers. Finally, DOT received a letter from Senator Richard G. Lugar of Indiana. He expressed his opinion that transferring Starke County to eastern time would serve the convenience of commerce in the area.

Under DOT procedures to change a time zone boundary, the Department will generally begin a rulemaking proceeding if the highest elected officials in the area make a *prima facie* case for the proposed change. DOT has determined that the Resolution and supporting information submitted by the petitioners make a *prima facie* case, which warrants opening a proceeding to determine whether the change should be made. Consequently, in this notice of proposed rulemaking, DOT is proposing to make the requested change and is inviting public comment.

Although the Board of Commissioners for Starke County has submitted sufficient information to begin the rulemaking process, the decision whether actually to make the change will be based upon information received at the hearing(s) or submitted in writing to the Office of the Secretary's docket. The Department here reemphasizes that it would appreciate any comments or submissions relating to changes in the commuting patterns of Starke County residents and other commerce-related factors since 1986.

Persons supporting or opposing the change should not assume that the change will be made merely because DOT is making the proposal. We are not bound either to accept or reject the proposal of the Board of Commissioners of Starke County at the present state in the proceeding. The Department here issues no opinion on the merits of the County's request. Our decision will be made on the basis of information developed during the rulemaking proceeding.

#### Impact on Observance of Daylight Saving Time

This time zone proposal does not directly affect the observance of daylight saving time (DST). Under the Uniform Time Act of 1966, as amended, the standard time of each time zone in the United States is advanced one hour from 2 a.m. on the first Sunday in April until 2 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance. A State in more than one time zone may have its exemption apply only to that part of the State that is in the more easterly time zone. Indiana is the only State that has exercised this "split State" exemption.

As explained above, the 81 counties of the State that are in the Eastern Time Zone do not observe dst, while the eleven in the Central Time Zone, including the one that is involved in this rulemaking, do. Although the only question addressed by DOT in this proceeding and the only question over which it has control is in what time zone the area should be included, discussions of this nature in Indiana invariably involve also questions of dst, a matter over which the State has control. Given the current relationship between Federal and Indiana law, a decision by DOT to move an area of Indiana from central time to eastern time means that the area will be exempt from dst.

#### Regulatory Analysis and Notices

I certify under the criteria of the Regulatory Flexibility Act that this proposal, if implemented, would not have a significant economic impact on a substantial number of small entities, because of its highly localized impact. Furthermore, it is not a major rule under Executive Order 12291, nor a significant rule under DOT Regulatory Policies and Procedures, 44 FR 111034, for the same reason.

The economic impact is so minimal that it does not warrant preparation of a regulatory evaluation. Finally, DOT has determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, that an environmental impact statement is not required. There is not sufficient Federalism impact to warrant the preparation of a Federalism assessment.

Issued this 29th day of March 1991, at Washington, DC.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91-7878 Filed 4-1-91; 9:08 am]

BILLING CODE 4910-62-M

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 285

[Docket No. 910102-0002]

RIN 0648-ADOI

#### Atlantic Bluefin Tuna Fishery; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of public hearings; request for comments.

**SUMMARY:** NMFS will hold public hearings to receive comments on a proposed rule to amend the regulations governing the Atlantic bluefin tuna fishery. A proposed rule was published in the Federal Register on March 11, 1991 (56 FR 10227). This rule proposes to: (1) require specified amounts of other species to be landed as a condition for landing an incidental bycatch of Atlantic bluefin tuna in the southern longline fishery; (2) prohibit retention of Atlantic bluefin tuna harvested from the Gulf of Mexico, except by vessels permitted in the Incidental Catch category; (3) reduce the daily catch limit in the Angling category from four to one young school, school, or medium tuna per day; and (4) make other technical revisions to the regulations.

**DATES:** Comments on this proposed rule must be received on or before April 25, 1991. See "**SUPPLEMENTARY INFORMATION**" for dates and times of the hearings.

**ADDRESSES:** Written comments should be sent to Richard Roe, Northeast Regional Director, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Clearly mark the outside of the envelope "Tuna Comments". See "**SUPPLEMENTARY INFORMATION**" for the location of the hearings.

**FOR FURTHER INFORMATION CONTACT:** Kathi L. Rodrigues, 508-281-9324.

**SUPPLEMENTARY INFORMATION:** These public hearings are being held to receive comments concerning the above proposed rule and to receive comments on a request to change the commencement date of the General category season. NMFS is seeking information and comment on this request on behalf of North Carolina fishermen who contend that they are precluded from an opportunity to fish for and retain giant bluefin because the season begins after giant bluefin migrate from the area. These fishermen argue that their level of catch is expected to be low and therefore, will not result in early harvest of the General category quota, which has not been harvested fully for several years.

The request to change the commencement date is not a part of the proposed rule but may become the subject of a rulemaking in the future depending on the comments received during these information-gathering hearings.

A complete description of the measures and the purpose and need for the proposed action are contained in the proposed rule and are not repeated here.

Copies of the proposed rule may be obtained by writing to the address above or calling the information contact above.

The public hearings are scheduled as follows:

1. April 11, 1991, 7 p.m.—Sheraton, 180 Water Street, Plymouth, Massachusetts;
2. April 16, 1991, 7 p.m.—Holiday Inn, 13051 Belltower Drive, Fort Myers, Florida;
3. April 16, 1991, 7 p.m.—Sheraton Hotel & Marina, 1 Bicentennial Park, New Bern, North Carolina;
4. April 17, 1991, 7 p.m.—Holiday Inn Surfside South, 2600 N. A1A, Fort Pierce, Florida;
5. April 18, 1991, 7 p.m.—Howard Johnson Hotel, 6401 Veterans Boulevard, Metairie, Louisiana;
6. April 19, 1991, 7 p.m.—Holiday Inn, 5002 Seawall Boulevard, Galveston, Texas;
7. April 22, 1991, 7:30 p.m.—Holiday Inn—Airport, 3845 Veterans Highway, Ronkonkoma, New York;
8. April 23, 1991, 7 p.m.—National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, Massachusetts;
9. April 23, 1991, 7:30 p.m.—Quality Inn, 6280 N. Hampton Boulevard, Norfolk, Virginia;
10. April 24, 1991, 7 p.m.—The Dunes Manor Hotel, 28th Street and the Ocean, Ocean City, Maryland;
11. April 25, 1991, 7:00 p.m.—Quality Inn 815 Route 37 West, Toms River, New Jersey.

Dated: March 28, 1991

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 91-7752 Filed 4-2-91; 8:45 am]

**BILLING CODE 3510-22-M**

## 50 CFR Part 685

[Docket No. 910374-1074]

RIN 0648-AD97

### Relagic Fisheries of the Western Pacific Region

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** The Secretary of Commerce (Secretary) issues this proposed rule to implement Amendment 2 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP). This action is necessary to ensure adequate monitoring of conditions in the fishery by collecting data on catch and effort, and on interactions between the fishery and marine mammals and/or endangered and threatened species. Emergency regulations are now in effect to provide these data; however, the emergency regulations will expire under the time limits set by the Magnuson

Fishery Conservation and Management Act (Magnuson Act). This proposed rule would continue the requirements imposed by the emergency rule with some modifications.

**DATES:** Comments on the proposed rule must be received on or before May 13, 1991.

**ADDRESSES:** Send comments on the proposed rule and the plan amendment to E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. Copies of Amendment 2 and the incorporated environmental assessment may be obtained from the Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813.

Send comments on the proposed collection of information to the Director, Southwest Region, NMFS, (see above), and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner, Fisheries Management Division, Southwest Region, Terminal Island, California, (213) 514-6660, or Alvin Katekaru, Pacific Area Office, Southwest Region, Honolulu, Hawaii, (808) 955-8831.

**SUPPLEMENTARY INFORMATION:** The FMP was approved by the Secretary and implemented at a time when there were few problems in the domestic fisheries for pelagic species (billfish, sharks, tuna, and associated species). The domestic fisheries, such as recreational and small-scale commercial fishing for pelagic species, were well established and tended to operate within 50 nautical miles (nm) of shore, but the longline fishery, which operates farther from shore, was in a slow decline.

Since 1987, there has been a dramatic increase in the longline fishery based in Hawaii. The longline fleet has grown from 37 vessels in 1987 to more than 150 vessels in mid-1990. More vessels may enter the fishery in 1991, shifting to Hawaii from declining longline fisheries for swordfish and tuna in the Atlantic and the Gulf of Mexico.

Total landings by the longline fleet in 1989 accounted for about half of the value of all commercial landings in Hawaii, up from about 5 percent in 1985. The biggest increase has been in landings of swordfish, which were less than 30,000 pounds (13.6 metric tons) in 1985, rising to 500,000 pounds (226.8 metric tons) in 1989, and then to more than 2.5 million pounds (1,134 metric tons) in the first half of 1990. The Hawaii

fishery is now the largest domestic supplier of swordfish to U.S. markets. The success of the fishery in Hawaii is expected to spread to other Pacific island areas such as Guam, the Northern Mariana Islands, and American Samoa.

With the increase in the longline fishery have come concerns about the impacts of the rapid growth. First, there is concern that the large increase in landings could adversely affect the stocks of fish being harvested. The available data do not provide a sound basis for assessing the status of pelagic species, either on an ocean-wide or a localized basis. In the past it was believed that the fisheries in the FMP management area could not have a measurable effect on the stocks; in fact, total landings were relatively low until recently. The current level of landings may be affecting the stocks, at least on a localized basis. Increased data collection and analysis and sampling of the catches to obtain biological data are crucial for determining the effects of the sharply increased harvest.

Second, there is concern that the intense fishing by longliners may have adverse effects on other fisheries. Many, if not all, pelagic management unit species migrate through the exclusive economic zone (EEZ) and are vulnerable to harvest only when they are within range of the fleet. Whereas the new longline vessels are large and have the capability to travel far from the islands, the smaller troll and handline vessels do not have that capability. If the longline catches are interceptions of fish destined for waters important to users of other gear types, then the gain to longliners could be at the expense of these other fisheries. Available data do not provide a basis for determining whether there are any such impacts; therefore, it is not possible to determine whether fishery conservation and management measures should be implemented to ensure an optimum mix of fishing opportunities and harvests among the established and growing fisheries.

Third, there have been allegations of interactions between the longline fishery and protected species, including Hawaiian monk seals and sea birds, in the Northwestern Hawaiian Islands (NWHI). In consultations under the Endangered Species Act (ESA) between the Western Pacific Fishery Management Council (Council) and NMFS during development of the FMP, NMFS concluded that implementation of the FMP was not likely to jeopardize the continued existence of any listed species, but noted that strengthening the reporting requirements might be

beneficial. The nature and extent of interactions are not known, as there have been no requirements for domestic vessels to report interactions or for U.S. vessels to carry observers to document interactions.

To address these concerns, the Council voted in June 1990, with one dissenting vote, to ask the Secretary to issue an emergency rule to establish permit, reporting, and observer requirements for domestic longline vessels. Emergency regulations were promulgated effective November 27, 1990 (55 FR 49285), and subsequently extended to May 25, 1991 (56 FR 5159, February 8, 1991), establishing the following requirements.

First, any vessel of the United States using or intending to use longline gear in the fishery management area, or intending to transit the fishery management area and subsequently land or transship any fish taken by longline gear, must obtain a permit from the Director, Southwest Region, NMFS (Regional Director). The purpose is to establish the potential universe of fishery participants and then monitor total effort, landings, value of landings, species composition of the landings, area of catch, and other vital information.

Second, each permitted vessel must maintain and submit to the Regional Director a daily fishing logbook, recorded on forms provided by the Regional Director. Information to be recorded includes catch by species, effort, and information on interactions with protected species. The forms are mailed to the Pacific Area Office, Southwest Region, NMFS, within 72 hours of the end of a fishing trip unless picked up by an authorized agent or officer.

Third, no longline vessels can fish within a 50 nm protected species study zone around certain islands in the NWHI (French Frigate Shoals, Gardner Pinnacles, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Islands, and Kure Island), unless the operator has provided the Regional Director with an opportunity to place an observer aboard the vessel to document whether there are any interactions with protected species, and if so, the specifics of the interactions. The observers will collect more detailed information than the vessel operators would be expected to record in the interactions section of the required fishing logbook. Biological samples may also be collected.

There are two principal reasons the Council proposed this action on an emergency basis. First, there was concern that the fishery is unstable, as

evidenced by the sudden and dramatic growth in the size of the fleet, total effort, and landings. Second, existing data collection and data reporting programs are not adequate to provide a basis for identifying actual or potential management problems, especially if additional vessels enter the fishery as expected. Fishery data are needed to establish the level at which the fishery can be sustained over the long term. In addition, the precarious condition of the Hawaiian monk seal population requires that accurate and site-specific data on interactions be collected. If interactions are occurring, the effects of those interactions can be evaluated and solutions to any problems can be identified quickly. Therefore, in the Council's view, it was crucial that the rule become effective on an emergency basis, and this was eventually approved by the Secretary.

Amendment 2 proposes that these measures be implemented on a permanent basis upon the expiration of the emergency regulations. The conditions that generated the need for emergency action continue to exist, and implementation of this amendment will continue the fishery monitoring and data collection necessary to arrive at long-term solutions to management problems facing the pelagic fisheries.

It is noteworthy that Amendment 2 broadly defines the management unit. The management unit species (billfish, associated species, and after 1991, tuna) range far beyond the EEZ, and the longline fishery pursues these species inside and outside the EEZ. The Magnuson Act calls for management of fish throughout their range to the extent practicable. Consistent with this mandate, Amendment 2 defines the management unit to consist of the stocks and the longline fishery which occur in or use the EEZ in the Council's area of concern. This broad definition is necessary to ensure that management of fishing activities in the EEZ is not negated by persons claiming exemption from permit and reporting requirements because they operate only outside the EEZ. Furthermore, the broad definition supports collection of catch and effort data from all relevant longline fishing and support vessels. These data are crucial for assessing the condition of the stocks, for determining the extent to which fishing affects the stocks, the interaction between fishing inside and outside the EEZ, and the effects of potential conservation and management measures on different sectors of the pelagic species fisheries.

The amendment also extends the fishery management area to include the

EEZ around the Commonwealth of the Northern Mariana Islands (CNMI). This portion of the EEZ had not been included in the management area previously because the Council did not want to influence negotiations then underway concerning the extent to which the CNMI government would have fishery jurisdiction under its commonwealth status. The Council now believes it is timely to include the EEZ around the CNMI due to the migratory nature of the management unit species and the wide-ranging capabilities of the longline fleet. It is the Council's intent that Federal permits would not be required in areas where a state has in place a similar permit and reporting program and is committed to sharing permit and logbook information with the Secretary.

Amendment 2 also clarifies the applicability of the FMP to transshipment activities involving longline-caught fish in the Council's area of concern by establishing a specific requirement to maintain and submit to NMFS a transshipment logbook form recording details of such transshipments. This proposed collection-of-information has been submitted to OMB for approval.

NMFS also intends to clarify to what extent interaction data from fishing logbook forms provided by fishermen, voluntarily or involuntarily, will be used in prosecution for takes of endangered and depleted species. The totality of the circumstances, including the nature of the interaction and the context in which the take occurred, will be considered. The determination of the legality of a take and appropriate sanctions will be made on a case-by-case basis.

The proposed rule would also revise permit application requirements to allow for consolidation in the permit application process for fisheries in the western Pacific region.

In addition, the amendment would extend the protected species zone to include waters within 50 nm of Nihoa Island, Necker Island, and Maro Reef. Maro Reef was inadvertently excluded from the protected species study zone under the emergency rule. Nihoa Island and Necker Island have been included because they are inhabited by Hawaiian monk seals. Also, in response concerns about the potential impacts of the fishery on protected species of marine mammals, sea turtles, and marine birds, operators of fishing vessels intending to operate in the NWHI would be required to attend an orientation meeting to be held by the Southwest Region, NMFS, to ensure knowledge about the species of concern and about measures that can

and should be taken to avoid any taking of such species in the fishery.

#### Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act requires the Secretary to publish regulations proposed by a Council within 15 days of receipt of the plan amendment and regulations. At this time, the Secretary has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. In making that determination, the Secretary will take into account the data, views, and comments received during the comment period.

The proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order because deadlines imposed under the Magnuson Act require the Secretary to publish the proposed rule 15 days after its receipt. It is being reported to the Director, Office of Management and Budget (OMB), with an explanation of why it is not possible to follow the procedures of that order.

The Assistant Administrator for Fisheries, NOAA, has initially determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This determination is based on the regulatory impact review (RIR), which is incorporated into the amendment. The RIR demonstrates long-term benefits to the fishery under the proposed measures. The proposed rule, if adopted, is not expected to have an annual impact of \$100 million or more, nor lead to an increase in costs or prices to consumers, nor significantly affect trade or competition. The principal burden to industry is associated with the recording and submission of information. The estimated total cost to industry is about \$55,000 per year, or less than \$400 per year per vessel. This is a low cost relative to the total operational costs of the fishery and to the estimated exvessel revenue, which is in excess of \$25 million per year.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

The Council prepared an environmental assessment (EA) for the amendment and incorporated it into the amendment document. A copy of the EA is available from the Council (see **ADDRESSES**).

This proposed rule would maintain current collection-of-information requirements subject to the Paperwork

Reduction Act, would revise current permit application reporting requirements, and would require submission of a separate transshipment logbook form for transshipping activities.

This proposed rule would continue the information collections relative to fishing logbooks and observers applicable to harvesting vessels to ensure the collection, processing, and analysis of data needed for sound management decisions. Harvesting vessels' return to port would be monitored to ensure compliance with logbook recordkeeping. Fishing logbooks would provide detailed information about catch and effort needed for fishery stock assessments and for estimating the impacts of different management approaches. The public reporting burden for this collection-of-information is estimated to average 60 minutes per trip, including the time to complete the daily log sheet, submit fishing logbook forms to NMFS, and notify NMFS prior to and after return from a trip. This reporting requirement was approved by OMB (OMB No. 0648-0214).

The second collection-of-information requirement that would be continued by this proposed rule stems from the establishment of an observer program. Placing observers aboard longline vessels in the NWHI would ensure the collection, processing and analysis of data needed for sound management decisions. Vessel operators intending to fish within a protected species zone would be required to notify the Regional Director so that NMFS would have the opportunity to place an observer aboard the vessel. Observers would ensure the collection of more detailed data than fishermen would provide, and would document whether there are adverse interactions with protected species, as well as the specific details of any interactions. The public reporting burden for this collection-of-information is estimated at 2 minutes for the pre-trip notification. This reporting requirement was approved by OMB (OMB No. 0648-0214).

A revised collection-of-information requirement under the permit system is proposed under this rule. Information requested from longline fishing vessel permit applicants would be standardized as part of an effort by NMFS to consolidate into one form the different application forms now being used for fisheries permits in the western Pacific region. An applicant for a longline fishing vessel permit would use the same application form and provide the same information on the vessel

owner, vessel operator, and vessel as a person who applies for a precious corals, crustaceans, and/or bottomfish fishing permit(s). This permit application information would enable NMFS to determine the potential number of participants in the fishery, and in subsequent economic analyses to determine the potential nature and distribution of impacts of alternative management measures. The public reporting burden for this collection-of-information is estimated to average 15 minutes per application, including the time to review the form, compile the information to complete the form, and submit it to NMFS. The current permit application forms were approved by OMB in conjunction with the Southwest Region Family of Permit Forms (OMB No. 0648-0204). A request for approval of a renewal and revision of this family of forms has been submitted to OMB.

As indicated, a new specific reporting requirement is proposed under this rule. That is, vessels engaged in transshipment of pelagic species taken on longline gear would be required to fill out and submit to the Regional Director a transshipment logbook form indicating the name of the catcher vessel from which longline-caught fish are being transferred, the area in which the fish were harvested, and the amount, by species, of such fish transferred from the fishing vessel to the transshipping vessel. This collection of information is estimated to average 5 minutes per transaction. A request for approval of this information collection has been submitted to OMB.

Send comments on the reporting burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB and the Southwest Region, NMFS (see ADDRESSES).

The Council determined that this proposed rule would be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal zone management programs of the State of Hawaii, the CNMI, and the Territories of American Samoa and Guam. This determination has been submitted for review by the responsible state and territorial agencies under section 307 of the Coastal Zone Management Act.

Implementation of this rule is not an action that will adversely affect any species listed as endangered or threatened under the Endangered Species Act, or any species protected by the Marine Mammal Protection Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

#### List of Subjects in 50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 28, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 685 is proposed to be amended as follows:

#### PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

1. The authority citation for part 685 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 685.1, paragraph (a) is revised to read as follows:

##### § 685.1 Purpose and scope.

(a) The regulations in this part govern fishing for, landing, transshipping, and possession of, management unit species by fishing vessels of the United States shoreward of the outer boundary of the exclusive economic zone (EEZ) off the coasts of Hawaii, American Samoa, Guam, the Northern Mariana Islands, and U.S. possessions in the western Pacific.

3. In § 685.2, the existing definitions for "Fishery management area", "Fishing trip", "Longline gear", "Protected species", and "Sexual harassment" are revised, and new definitions for "Harassment", "Management unit species", "Owner", "Pacific Area office", "Protected species zone", and "Receiving vessel" are added, in alphabetical order to read as follows:

##### § 685.2 Definitions.

*Fishery management area* means the exclusive economic zone off the coast of Hawaii, American Samoa, Guam, the Northern Mariana Islands, and U.S. possessions in the western Pacific.

*Fishing trip* means a period of time between landings when fishing is conducted.

*Harassment* means any verbal or physical conduct which has the purpose of effect of substantially interfering with an observer's work performance or creating an intimidating, hostile, or offensive working environment.

*Longline gear* means a type of fishing gear consisting of a main line that exceed one (1) nautical mile in length, is suspended horizontally in the water column either anchored, floating, or attached to a vessel and from which

branch or dropper lines with hooks are attached.

*Management unit species* means billfish, associated species, and, effective January 1, 1992, tuna throughout their range in the tropical and subtropical central and western Pacific Ocean.

*Owner*, as used in this part, means a person who is identified as the current owner of the vessel as described in the Certificate of Documentation (form CG-1270) issued by the U.S. Coast Guard for a documented vessel, or in a registration certificate issued by a state or territory or the U.S. Coast Guard for an undocumented vessel.

*Pacific Area Office* means the Pacific Area Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, HI 96822.

*Protected species* means an animal protected under the Marine Mammal Protection Act of 1972, as amended, listed under the Endangered Species Act of 1973, as amended, or subject to the Migratory Bird Treaty Act.

*Protected species zone* means a designated area under § 685.12 around Nihoa Island, Necker Island, French Frigate Shoals, Gardner pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Islands, and Kure Island in the Northwestern Hawaiian Islands.

*Receiving vessel* means a vessel of the United States that does not have fishing gear on board the vessel.

*Sexual harassment* means any unwelcome sexual advance, request for sexual favors, or other verbal and physical conduct of a sexual nature that had the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

4. Section 685.4 is revised to read as follows:

##### § 685.4 Recordkeeping and reporting.

(a) Any person who is required to do so by the applicable state laws and regulations shall make and/or file any and all reports of billfish and associated species landings containing all data and in the exact manner required by the applicable state laws and regulations.

(b) *Fishing Logbooks*. The operator of any vessel subject to § 685.9 must maintain on board the vessel an accurate and complete daily fishing logbook for each fishing trip, which must include the following information:

(1) Name of fishing vessel;  
 (2) Permit number of fishing vessel;  
 (3) Date, time, latitude and longitude of the location at which the set of the longline is begun;

(4) Date, time, latitude and longitude of the location at which hauling of the longline is begun;

(5) Number of hooks set;

(6) Number of lightsticks used;

(7) Number of billfish, tuna, oceanic sharks, and associated fish (by species) caught and kept per day;

(8) Number of billfish, tuna, oceanic sharks, and associated fish (by species) caught and released per day;

(9) Number (by species) of protected species (not including marine birds) sighted in the area of the gear per day;

(10) Number (by species) of protected species released or lost alive and not apparently injured;

(11) Number (by species) of protected species released or lost alive but apparently injured;

(12) Number (by species) of protected species released or lost dead;

(13) Signature of the fishing vessel operator; and

(14) Date of signature.

(c) *Transshipment Logbooks.* The operator of any receiving vessel subject to this part must maintain on board the vessel an accurate and complete transshipment logbook, which must include the following information:

(1) Name of transshipment vessel;

(2) Permit number of transshipment vessel;

(3) Name of the fishing vessel;

(4) Radio call sign of fishing vessel;

(5) Date of transshipment;

(6) Number of days fished by the fishing vessel;

(7) Average number of hooks fished per day by the fishing vessel;

(8) General area of catch;

(9) Number of billfish, tuna, oceanic sharks, and associated fish (by species) transshipped;

(10) Total weight of fish (by species) transshipped;

(11) Signature of the transshipment vessel operator; and

(12) Date of signature.

(d) Fishing and transshipment logbooks required by paragraphs (b) and (c) of this section must be:

(1) Prepared on forms supplied by the Pacific Area Office. All information specified on the forms must be recorded within 24 hours of hauling in longline gear or day of transshipment.

(2) Submitted, in original or duplicate, to the Pacific Area Office within 72 hours of the date of landing, unless the logbooks have been collected by any person authorized by the Regional Director to gather such forms.

(3) Made available for immediate inspection upon request of an authorized officer, or of any employee of NMFS authorized by the Regional Director to make such an inspection.

5. In § 685.5, paragraphs (e) through (l) are revised and new paragraphs (m) and (n) are added, to read as follows:

#### § 685.5 Prohibitions.

(e) Without a valid permit issued under § 685.9(a) to receive, transship, or land shoreward of the outer boundary of the fishery management area, management unit species that were taken by longline gear.

(f) Without a valid permit issued under § 685.9(a) to use longline gear to fish for management unit species shoreward of the outer boundary of the fishery management area.

(g) Receive on board a receiving vessel that is shoreward of the outer boundary of the EEZ around Hawaii management unit species from a longline vessel that does not have a valid permit.

(h) Transfer any permit issued to a vessel under § 685.9 in violation of the provisions contained therein.

(i) Fail to notify the Pacific Area Office within 12 hours following each fishing trip or transshipment activity as required under § 685.12.

(j) Falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other record or report required under §§ 685.4 and 685.13.

(k) Fail to affix and maintain vessel and longline float markings required under §§ 685.10 and 685.11.

(l) Fail to notify the Pacific Area Office of intent to fish for pelagic species with longline gear within the protected species zone as required under § 685.12.

(m) Fish without an observer after having been directed to do so by the Regional Director under § 685.12.

(n) Forcibly assault, impede, intimidate, interfere with, or influence or attempt to influence an observer, or to harass or sexually harass an observer.

6. In subpart A, §§ 685.9, 685.10, and 685.11 are revised, and §§ 685.12 and 685.13 are added, to read as follows:

#### § 685.9 Permits.

(a) Any vessel of the United States shoreward of the outer boundary of the fishery management area that uses longline gear to fish for management unit species, or that receives, transships, or lands management unit species that were taken by longline gear, must have a permit issued under this section.

(b) *Application.* (1) An application for a permit under this section must be submitted to the Pacific Area Office by

the vessel owner or a designee of the owner at least 15 days before the date the applicant desires to have the permit be effective. If an incomplete or improperly completed permit application is filed, the Regional Director will notify the applicant, in writing, of the deficiency. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(2) Each application must be submitted on a form that is obtained from the Pacific Area Office and must contain at least the following information:

(i) Type of application; whether the application is for a new permit or a renewal; and whether it is for fishing or transshipping;

(ii) Owner's name, social security number, mailing address, and telephone numbers (business and home);

(iii) Name of the partnership or corporation, if the vessel is owned by such an entity;

(iv) Primary operator's name, social security number; mailing address, and telephone numbers (business and home);

(v) Relief operator's name;

(vi) Name of the vessel;

(vii) Official number of the vessel;

(viii) Radio call sign of the vessel;

(ix) Principal port of the vessel;

(x) Length of the vessel;

(xi) Engine horsepower;

(xii) Appropriate fish hold capacity;

(xiii) Number of crew;

(xiv) Construction date;

(xv) Date vessel purchased;

(xvi) Purchase price;

(xvii) Type and amount of fishing gear carried on board the vessel;

(xviii) Position of the applicant in the corporation if the vessel is owned by such an entity;

(xix) Signature of the applicant; and

(xx) Date of signature.

(c) *Fees.* No fee is required for a permit under this section.

(d) *Changes in application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Pacific Area Office 10 days before the effective date of the change. Failure to report such changes may result in termination of the permit.

(e) *Issuance.* Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit to the applicant. A permit will not be valid, however, until the applicant has attended an orientation meeting with the Pacific Area Office regarding procedures for protecting endangered and

threatened species, marine mammals and/or seabirds.

(f) *Expiration.* Permits issued under this section expire at 2400 hours local time on December 31 following the effective date of the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Pacific Area Office in the same manner as described in § 685.9.

(h) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(i) *Replacement.* Permits may be issued to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.

(j) *Transfer.* Permits issued under this section are not transferable or assignable to other vessels. A permit is valid only for the vessel for which it is issued.

(k) *Display.* Any permit issued under this section must be on board the vessel at all times while the vessel is fishing for pelagic species by means of longline gear or is engaged in the transshipment of pelagic species taken by longline gear. The permit shall be subject to inspection upon request of any authorized officer.

(1) *Penalties.* Any person committing, or any vessel used in the commission of a violation of the Magnuson Act or any regulation issued under the Magnuson Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson Act, to part 621 of this chapter, to 15 CFR part 904 (Civil Procedures) and to any other applicable law. Permits may be revoked or suspended, or renewal may be denied, for vessels that are not in compliance with the reporting requirements under §§ 685.4, 685.12, or 685.13, or that fail to carry observers when directed by the Regional Director.

(m) If, at any time, vessels of the United States are subject to a limited entry system in all or part of the fishery management area, those U.S. vessels that meet the eligibility requirements of such a system must have a permit issued under this section, in addition to a limited entry permit.

#### § 685.10 Vessel identification.

(a) Each fishing vessel subject to this part must display its official number on

the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(b) The official number must be affixed to each vessel subject to this part in block Arabic numerals at least 18 inches (45.7 cm) in height for fishing vessels of 65 feet (19.8 m) in length or longer, and at least 10 inches (25.4 cm) in height for all other vessels. Markings must be legible and of a color that contrasts with the background.

(c) The official number must be clearly legible and in good repair; and

(d) No part of the vessel, its rigging, or its fishing gear shall obstruct the view of the official number from an enforcement vessel or aircraft.

#### § 685.11 Longline float identification.

The official number of the vessel must be affixed on each of the deployed floats of the longline gear.

#### § 685.12 Observers.

(a) The operator of a fishing vessel subject to this part shall inform the Pacific Area Office at least 72 hours (not including weekends and holidays) before leaving port of his or her intent to fish within the protected species zone. The operator shall provide this notice by contacting the Pacific Area Office, telephone (808) 955-8831. The notice must include the name of the vessel, the name of the operator, the intended departure date and location, and a telephone number at which the operator or his agent may be contacted during the business day (8 a.m. to 5 p.m. local time) to indicate whether an observer will be required on the subject fishing trip.

(b) The initial size of the protected species zone is 50 nm around Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Islands, and Kure Island. The Regional Director may change the size of the protected species zone:

(1) If the Regional Director determines that a change in the size of the zone would not result in fishing for management unit species that would adversely affect any protected species;

(2) After consulting with the Council; and

(3) Through a notice of the Federal Register published at least 30 days prior to the effective date or through actual notice to the permit holders.

(c) All fishing vessels subject to this part must carry an observer when directed to do so by the Regional Director.

(d) The Regional Director shall advise the vessel operator of any observer requirement within 72 hours of receipt of the notice, and if an observer is required, shall establish with the operator the terms and conditions of observer coverage, and time and place of embarkation of the observer.

(e) All observers must be provided with sleeping, toilet, and eating accommodations at least equal to that provided to a full crew member. A mattress or futon on the floor or a cot is not acceptable in place of a regular bunk. Meal and other galley privilege must be the same for the observer as for other crew members.

(f) Female observers on a vessel with an all male crew must be accommodated either in a single person cabin or, if reasonable privacy can be ensured by installing a curtain or other temporary divider, in a two person cabin shared with a licensed officer of the vessel. If the cabin assigned to a female observer does not have its own toilet and shower facilities that can be provided for the exclusive use of the observer, then a schedule for time-sharing common facilities must be established and approved by NMFS prior to the vessel's departure from port.

#### § 685.13 Notification of landings and transshipments.

The operator of a fishing or transshipment vessel subject to this part shall contact the Pacific Area Office by telephone (808) 955-8831 within 12 hours upon the arrival of his or her vessel at first port of call, and report the name of the vessel, name of the vessel operator, date(s) and time(s) that the permitted vessel has landed or transshipped management unit species since its previous landing.

[FR Doc. 91-7761 Filed 3-29-91; 2:56 pm]

BILLING CODE 3510-22-M

## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Office of the Secretary

#### Agricultural Biotechnology Research Advisory Committee Meeting

In accordance with the Federal Advisory Committee Act of October 1972 (Pub. L. No. 92-463, 86 Stat. 770-776), the U.S. Department of Agriculture (USDA), Science and Education, announces the following advisory committee meeting:

**Name:** Agricultural Biotechnology Research Advisory Committee.

**Date:** May 22-23, 1991.

**Time:** 9 a.m. to approximately 5 p.m. on May 22; 9 a.m. to approximately 3 p.m. on May 23.

**Place:** Cabinet Room, Governor's House Holiday Inn, Rhode Island Avenue and 17th Street NW., Washington, DC 20036.

**Type of Meeting:** This meeting is open to the public. Persons may participate in the meeting as time and space permit.

**Comments:** The public may file written comments before or after the meeting with the contact person specified below.

**Purpose:** To review matters pertaining to agricultural biotechnology research and to develop advice for the Secretary through the Assistant Secretary for Science and Education with respect to policies, programs, operations and activities associated with the conduct of agricultural biotechnology research. The major items to be considered at this meeting are public comments on the "Proposed Guidelines for Research Involving the Planned Introduction into the Environment of Organisms With Deliberately Modified Hereditary Traits," published at 56 FR 4134, February 1, 1991, [hereinafter referred to as the Proposed Guidelines], implementation of the Proposed Guidelines, and reports of working group deliberations.

**Contact Persons:** Dr. Alvin L. Young, Director, or Dr. Daniel D. Jones, Deputy Director, Office of Agricultural Biotechnology, Cooperative State Research Service, Department of Agriculture, room 1001, Rosslyn Plaza East, 14th Street and Independence Avenue SW., Washington, DC 20250. Telephone (703) 235-4419.

Done at Washington, DC, this 27th day of March, 1991.

**Harry C. Mussman,**

*Deputy Assistant Secretary, Science and Education.*

[FR Doc. 91-7762 Filed 4-2-91; 8:45 am]

BILLING CODE 3410-22-M

#### Agricultural Biotechnology Research Advisory Committee; Classification/Confinement Working Group

In accordance with the Federal Advisory Committee Act of October 1972 (Pub. L. 92-463, 86 Stat. 770-776), the U.S. Department of Agriculture (USDA), Science and Education, announces the following meeting of a working group of the Agricultural Biotechnology Research Advisory Committee (ABRAC).

The Classification/Confinement Working Group will meet in the Cabinet Room, Governor's House Holiday Inn, Rhode Island Avenue and 17th Street NW., Washington, DC 20036, on May 21, 1991, from 9 a.m. to approximately 5 p.m. to discuss the classification and confinement of organisms with deliberately modified hereditary traits used in agricultural biotechnology research.

This meeting is open to the public. Persons may participate in the meeting as time and space permit. The public may file written comments before or after the meeting with the contact person below.

Further information may be obtained from Dr. Alvin L. Young, Director, or Dr. Daniel D. Jones, Deputy Director, Office of Agricultural Biotechnology, Cooperative State Research Service, Department of Agriculture, room 1001, Rosslyn Plaza East, 14th Street and Independence Avenue SW., Washington, DC, 20250. Telephone (703) 235-4419.

Federal Register

Vol. 56, No. 64

Wednesday, April 3, 1991

Done at Washington, DC, this 27th day of March, 1991.

**Harry C. Mussman,**

*Deputy Assistant Secretary, Science and Education.*

[FR Doc. 91-7763 Filed 4-2-91; 8:45 am]

BILLING CODE 3410-22-M

#### Agricultural Biotechnology Research Advisory Committee; Risk Assessment/Priority Setting Working Group

In accordance with the Federal Advisory Committee Act of October 1972 (Pub. L. 92-463, 86 Stat. 770-776), the U.S. Department of Agriculture (USDA), Science and Education, announces the following meeting of a working group of the Agricultural Biotechnology Research Advisory Committee (ABRAC).

The Risk Assessment/Priority Setting Working Group will meet at the U.S. Department of Agriculture, room 3109, South Building, 14th Street and Independence Avenue SW., Washington, DC, 20250, on May 8, 1991, from 9 a.m. to approximately 5 p.m. to discuss risk assessment/priority setting for organisms with deliberately modified hereditary traits used in agricultural biotechnology research.

This meeting is open to the public. Persons may participate in the meeting as time and space permit. The public may file written comments before or after the meeting with the contact person below.

Further information may be obtained from Dr. Alvin L. Young, Director, or Dr. Daniel D. Jones, Deputy Director, Office of Agricultural Biotechnology, Cooperative State Research Service, U.S. Department of Agriculture, room 1001, Rosslyn Plaza East, 14th Street and Independence Avenue SW., Washington, DC, 20250. Telephone (703) 235-4419.

Done at Washington, DC, this 27th day of March, 1991.

**Harry C. Mussman,**

*Deputy Assistant Secretary, Science and Education.*

[FR Doc. 91-7764 Filed 4-2-91; 8:45 am]

BILLING CODE 3410-22-M

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-427-030]

## Large Power Transformers from France; Final Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On February 6, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on large power transformers from France. The review covers one manufacturer of this merchandise to the United States and the period June 1, 1989, through May 31, 1990.

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. Our final results are unchanged from those presented in the preliminary results.

**EFFECTIVE DATE:** April 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-5253.

**SUPPLEMENTARY INFORMATION:****Background**

On February 6, 1991, the Department of Commerce (the Department) published in the *Federal Register* (56 FR 5391) the preliminary results of its administrative review of the antidumping finding on large power transformers from France (37 FR 11772, June 14, 1972). We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

**Scope of the Review**

Imports covered by the review are shipments of large power transformers; that is, all types of transformers rated 10,000 kVA (kilovolt/amperes) or above, by whatever name designated, used in the generation, transmission, distribution, and utilization of electric power. The term "transformers" includes, but is not limited to, shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers. Not included are combination units, commonly known as rectifiers, if the entire integrated assembly is imported in the same

shipment and entered on the same entry, and the assembly has been ordered and invoiced as a unit, without a separate price for the transformer portion of the assembly. During the review period covered merchandise was classifiable under Harmonized Tariff Schedule (HTS) items 8504.22.00, 8504.23.00, 8504.34.33, 8504.40.00, and 8504.50.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers one manufacturer of transformers, Alsthom-Atlantique (Alsthom), and the period June 1, 1989, through May 31, 1990.

**Final Results of Review**

As a result of our review, we have determined that a margin of 72.85 percent exists for Alsthom for the period June 1, 1989, through May 31, 1990.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service. Furthermore, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margin shall be required for all shipments of French large power transformers from this firm.

For any future entries of this merchandise from a new exporter or manufacturer whose first shipments occurred after May 31, 1990, and who is unrelated to the reviewed firm, a cash deposit of 1.82 percent shall be required. This is in accordance with our practice of not using the most recently reviewed rate as a basis for cash deposit for new shippers when we have based the most recent rate on best information available.

These cash deposit requirements are effective for all shipments of French large power transformers entered, or withdrawn from warehouse for consumption on or after the date of publication of this notice and shall remain in effect until the publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 9 CFR 353.22(1990).

Dated: March 26, 1991.

**Marjorie A. Chorlins,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 91-7737 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-604]

## Tapered Roller Bearings and Parts Thereof, Finished and Unfinished From Japan; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to requests by a respondent and an importer, the Department of Commerce has conducted an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished from Japan. The review covers two manufacturers/exporters of the subject merchandise to the United States during the period March 27, 1987, through September 30, 1988. The review indicates the existence of dumping margins for the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the difference between the United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** April 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Chip Hayes, Laurel LaCivita, or Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253.

**SUPPLEMENTARY INFORMATION:****Background**

On September 30, 1988, the Department of Commerce (the Department) published a notice of "Opportunity to Request an Administrative Review" (53 FR 38314). One respondent and one importer requested an administrative review. We initiated the review on March 8, 1989 (54 FR 9868) covering the period March 27, 1987, through September 30, 1988. The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act). These are the first results of administrative review published since the antidumping duty order was issued on October 6, 1987 (52 FR 37352).

**Scope of the Review**

Imports covered by the review are sales or entries of tapered roller bearings (TRBs) and parts thereof,

which are flange, take-up cartridge, and hanger units incorporating tapered roller bearings, and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. Products subject to the outstanding dumping finding covering certain tapered roller bearings from Japan four inches or less in outside diameter, and certain components thereof (A-588-054), are not included within the scope of this order. This order includes all tapered roller bearings and parts thereof, as described above, that are manufactured by Toyo Bearing Co., Ltd. (NTN). During the review period such merchandise was classifiable under item numbers 680.30, 680.39, 681.10, and 692.32 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item numbers 8482.99.30, 8483.20.40, 8482.20.00, 8483.20.80, 8482.91.00, 8483.30.80, 8483.90.20, 8483.90.30, and 8483.90.80. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers TRB sales and entries by Koyo Seiko, K.K. (Koyo), and sales by NTN to Caterpillar during the period March 27, 1987, through September 30, 1988.

#### United States Price

The Department used exporter's sales price (ESP) for Koyo and purchase price (PP) for NTN's sales to Caterpillar, as defined in section 772 of the Tariff Act, to calculate United States price. ESP was based on the packed, delivered price to unrelated purchasers in the United States. We made adjustments, where applicable, for foreign inland freight, ocean freight, marine insurance, export inspection fees, brokerage and handling, U.S. inland freight, U.S. duty, commissions to unrelated parties, U.S. credit, discounts, warranties, technical expenses, packing expenses incurred in the United States, and indirect selling expenses (which include inventory carrying costs, warehouse transfer expenses, advertising, and selling expenses). We also adjusted ESP for value added by further manufacturing, including an allocation of profit earned on U.S. sales. No other adjustments were claimed or allowed.

Purchase price was based on the c.i.f. price to an unrelated purchaser in the United States. We made adjustments for brokerage and handling and foreign inland freight. No other adjustments were claimed or allowed.

#### Foreign Market Value

The Department used the home market price, as defined in section 773 of the Tariff Act, to calculate foreign market value (FMV). If sufficient quantities of such or similar merchandise were not sold in the home market to allow a comparison between the U.S. price and FMV, we used constructed value as the basis for FMV.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV. In consideration of the significant volume of home market sales involved in this review, we compared the monthly weighted-average home market price for each product with the weighted-average price for the entire review period. Because Koyo's weighted-average price for each model over the entire period did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, we calculated a single FMV for each model sold by Koyo on a weighted-average basis, in accordance with section 777A of the Tariff Act.

While we found that NTN's six-month weighted-average prices did not vary meaningfully from its monthly weighted-average prices, the overall weighted-average price of each model did. Therefore, we calculated the FMV for each model sold by NTN on a semi-annual weighted-average basis, in accordance with section 777A of the Tariff Act.

When we used home market sales as the basis of comparison, we based FMV on the packed, F.O.B., ex-factory or delivered price to unrelated purchasers in the home market. We made adjustments, where applicable, for inland freight, credit, discounts, commissions, warranty, and differences in physical characteristics. We adjusted FMV for indirect selling expenses (which include post-sale price adjustments and rebates) in the home market to offset indirect selling expenses on ESP sales in the United States. We limited the indirect selling expenses deduction on home market sales by the amount of the indirect selling expenses incurred in the United States. We added packing expenses incurred in Japan for U.S. sales to FMV.

Based on petitioner's allegations, we investigated whether NTN and Koyo sold merchandise covered by the order in the home market at prices below the cost of production. In accordance with section 773(b) of the Tariff Act, we used constructed value as the basis for FMV when we determined that substantial

quantities of sales below cost were made in the home market over an extended period of time in the normal course of trade.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, labor, and factory overhead in our calculations. The actual selling, general and administrative expenses (SG&A) and profits of Koyo and NTN were less than the statutory minimums of ten and eight percent, respectively, of the cost of manufacture. Therefore, we used the statutory minimums in our calculation of constructed value.

#### Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period March 27, 1987, through October 31, 1988:

Manufacturer	Margin (percent)
Koyo Seiko, K.K.	27.95
NTN (Caterpillar)	20.81

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Requests for an administrative protective order must be made no later than 5 days after the date of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first workday thereafter.

Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

Furthermore, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 27.95 percent shall be required on shipments of TRBs from Japan

manufactured by Koyo. For any shipments of this merchandise manufactured by NTN and imported by Caterpillar, the cash deposit will be 20.61 percent. In general, we do not establish importer-specific cash deposit rates. However, due to many reasons, we have not completed our analysis of NTN's exports to the United States to importers other than Caterpillar, although we have completed our analysis of Caterpillar's imports from NTN. Because we did not wish to delay issuance of our preliminary results of review, we have included sales by NTN to Caterpillar for the review period, and, therefore, we are issuing a cash deposit rate preliminarily resulting from the review. Shipments of TRBs manufactured by NTN and not imported by Caterpillar will continue to have a cash deposit requirement of 36.53 percent, which was established in the antidumping duty order, as amended.

For any future entries of this merchandise from an exporter not covered in this review or in the original investigation, and who is unrelated to any reviewed firm or any firm in the original investigation, a cash deposit of 27.95 percent shall be required. These deposit requirements are effective for all shipments of the covered merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 21, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-7738 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-015]

### Television Receivers, Monochrome and Color, From Japan; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration Department of Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to requests by two domestic parties to the proceeding, the Department of Commerce is conducting an administrative review of the antidumping finding on television receivers, monochrome and color, from Japan. The review covers one

manufacturer/exporter of this merchandise to the United States, Matsushita Electric Industrial Company, Ltd., and the period March 1, 1985 through February 28, 1986. The review indicates the existence of a dumping margin for this firm during this period.

As a result of this review, the Department of Commerce has preliminarily determined to assess antidumping duties equal to the differences between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** April 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** David S. Levy or John R. Kugelmann, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601.

#### SUPPLEMENTARY INFORMATION:

##### Background

In response to the Department of Commerce's (the Department) notice of opportunity to request an administrative review of the antidumping finding on television receivers, monochrome and color, from Japan (36 FR 4597, March 10, 1971), two domestic parties to the proceeding, Zenith Electronics Corporation (Zenith) and the Unions (the Independent Radionic Workers of America, the International Brotherhood of Electrical Workers, the International Union of Electrical, Radio, and Machine Workers, and the Industrial Union Department, AFL-CIO), requested this administrative review. We published a notice of initiation of this review, which covers the period March 1, 1985 through February 28, 1986, on April 18, 1986 (51 FR 13273). As required by section 751 of the Tariff Act of 1930 (the Tariff Act), the Department has now conducted this administrative review. On February 11, 1991, the Department published in the *Federal Register* (56 FR 5392) the final results of its last administrative reviews of this case, covering Matsushita Electric Industrial Company, Ltd., and the periods March 1, 1987 through February 28, 1990.

##### Scope of the Review

Imports covered by this review are shipments of television receiving sets, monochrome and color, from Japan. Television receivers include, but are not limited to, units known as projection televisions, receiver monitors, and kits (containing all parts necessary to receive a broadcast television signal and produce a video image). Not included are certain monitors not capable of receiving a broadcast signal,

certain combination units, and certain subassemblies not containing the components essential for receiving a broadcast television signal and producing a video image. During the review period, television receiving sets, monochrome and color, were classifiable under item numbers 684.9230, 684.9232, 684.9234, 684.9236, 684.9238, 684.9240, 684.9245, 684.9246, 684.9248, 684.9250, 684.9252, 684.9253, 684.9255, 684.9256, 684.9258, 684.9262, 684.9263, 684.9265, 684.9270, 684.9275, 684.9400, and 684.9655 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item numbers 8528.10.80 and 8528.20.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

This review covers one manufacturer/exporter of Japanese television receivers, monochrome and color, Matsushita Electric Industrial Company, Ltd. (Matsushita), and the period March 1, 1985 through February 28, 1986.

##### United States Price

In calculating United States price (USP), the Department used exporter's sales price (ESP), as defined in section 772 of the Tariff Act. USP was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in the United States. We made deductions for ocean freight, marine insurance, U.S. and Japanese inland freight, U.S. brokerage and handling charges, U.S. customs duties, discounts, rebates, credit expenses, warranty expenses, royalties, advertising and sales promotion expenses, commissions, export selling expenses incurred in Japan, and the U.S. subsidiaries' indirect selling expenses. We accounted for taxes imposed in Japan, that were rebated or not collected by reason of the exportation of the merchandise to the United States, by multiplying the ex-factory price of the televisions sold in the United States by the tax rate and adding the result to USP. No other adjustments were claimed or allowed.

##### Foreign Market Value

In calculating foreign market value (FMV), the Department used home market prices to unrelated purchasers or constructed value, as defined in section 773 of the Tariff Act.

In its response to our model-match questionnaire, Matsushita stated that it made sales of certain models below the cost of production. We considered this statement sufficient to warrant an

investigation of possible sales below the cost of production. As a result of our investigation, we found below-cost sales. When more than 10 percent of the sales of a particular model were determined to be below cost, we excluded those sales from our calculation of FMV. When more than 90 percent of the sales of a particular model were determined to be below cost, or when, as a result of our exclusion of below-cost sales from our analysis, we were unable to find contemporaneous home market sales, we used the constructed value of the home market merchandise as FMV. When there was no such or similar merchandise sold in the home market, we used the constructed value of the U.S. merchandise as FMV. Constructed value includes materials, fabrication, general expenses, profit, and packing. We used (1) Actual general expenses, since these exceeded the statutory requirement of 10 percent of materials and fabrication, (2) the statutory 8 percent for profit, since actual profit was less than the statutory minimum, and (3) packing costs for merchandise exported to the United States.

We made adjustments for inland freight, discounts, rebates, royalties, credit, warranty, advertising, and sales promotion expenses. We deducted indirect selling expenses from FMV up to the amount of U.S. commissions and U.S. indirect selling expenses. We also made adjustments for differences in commodity taxes, packing, and physical characteristics of the merchandise. No other adjustments were claimed or allowed.

#### Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margin exists:

Manufacturer	Review No.	Period of review	Margin (percent)
Matsushita.....	7	03/01/85-02/28/86	11.85

Parties to the proceeding may request disclosure with 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested will be held as early as convenient for the parties, but not later than 44 days after the date of publication of this notice, or the first workday thereafter. Parties to the proceeding may submit case briefs/written comments not later than 30 days after the date of publication. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after

submission of the case briefs. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service will assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 35.40 percent will be required for Matsushita; this rate is Matsushita's rate from the eleventh administrative review. For any shipments of this merchandise manufactured by Funai Electric, Fujitsu General, Ltd., Hitachi, Ltd., Mitsubishi Electric Corporation, NEC, Sanyo Electric Company, Ltd., Seiko Epson Corporation, Sharp Corporation, Toshiba, or Victor Corporation of Japan, the cash deposit rate will continue to be the same as the rates published in the final results of the last administrative reviews of these firms (56 FR 5392, February 11, 1991).

For all other manufacturers/exporters of this merchandise, a cash deposit of estimated antidumping duties of 35.40 percent shall be required. This is the highest non-BIA (best information available) rate for any firm included in these reviews. These deposit requirements will be effective for all shipments of Japanese television receivers, monochrome or color, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and 19 CFR 353.22.

Dated: March 25, 1991.

Eric L. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-7739 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-301-001]

#### Determination To Cancel Suspension Agreement, and Resumption of Investigation on Leather Wearing Apparel From Colombia

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Cancellation of Suspension Agreement; Resumption of Countervailing Duty Investigation and Intent to Terminate Investigation.

**SUMMARY:** The Government of Colombia and Colombian exporters of leather wearing apparel have withdrawn from the suspension agreement on leather wearing apparel from Colombia. Therefore, the Department of Commerce ("the Department") is cancelling the suspension agreement and resuming the investigation.

**EFFECTIVE DATE:** April 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Robert Bolling or Barbara Williams, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 8, 1991, the Department received a letter from the Government of Colombia notifying the Department that the Colombian government and the Colombian exporters of leather wearing apparel were withdrawing from the suspension agreement on leather wearing apparel from Colombia. However, at that time, the Department determined that the letter did not satisfy certain provisions as set forth by the Tariff Act of 1930, as amended ("the Tariff Act"). Subsequently, on February 21, 1991, the Government of Colombia submitted a letter to the Department indicating the specific exporters of leather wearing apparel from Colombia that were withdrawing from the suspension agreement (Astrakhan Ltda., Indesco Ltda., Amparo Garcia, and Luis Alberto Rayran Rodriguez). These exporters accounted for more than 15 percent of the exports of leather wearing apparel from Colombia to the United States.

##### Scope of the Agreement

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the *Harmonized Tariff Schedule* ("HTS"), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after the date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this review are shipments of Colombian leather wearing apparel. At the time this suspension agreement was signed, such merchandise was classifiable under item numbers 791.7620, 791.7640, and 791.7660 of the *Tariff Schedules of the United States Annotated*. This merchandise is currently classifiable under HTS item numbers 4203.10.40.30, 4203.10.40.60 and 4203.10.40.90. The written description remains dispositive.

#### Cancellation of Suspension Agreement

As a result of the Colombian government and exporters withdrawing from the suspension agreement, the Department has determined that the suspension agreement no longer meets the requirement of section 704 (b) and (d) of the Tariff Act. Section 704(b) requires that exporters accounting for "substantially all" U.S. imports of the subject merchandise be signatories to any agreement suspending a countervailing duty investigation. Section 355.18(c) of the Commerce Regulations defines "substantially all" as exporters that account for not less than 85 percent of total U.S. imports. Section 704(d) of the Tariff Act mandates that a suspension agreement must be in the public interest and must be reasonably monitorable.

Because the aforementioned Colombian exporters account for more than 15 percent of the subject merchandise to the United States and are no longer signatories to the agreement, the Department determines that the requirements of section 704(b) of the Tariff Act have not been satisfied and that continuation of the suspension agreement is not in the public interest. Therefore, the Department has determined to cancel the suspension agreement and resume the investigation under section 303 of the Act.

#### Resumption of Investigation

In accordance with section 704(i)(1)(B) of the Tariff Act, the Department is resuming the investigation as if the Department's affirmative preliminary determination under section 703(b) of the Tariff Act had been published on the date of publication of this notice. Because the company that was the original petitioner in this case has gone out of business, we have reason to believe that the domestic industry is no longer interested in continuation of this investigation and that the investigation should be terminated. We therefore request interested parties to submit a statement of interest within 30 days of the date of publication of this notice.

#### Suspension of Liquidation

As provided by section 704(i)(1)(A) of the Tariff Act, the Department is instructing the Customs Service to suspend liquidation on all shipments of leather wearing apparel exported directly or indirectly to the United States from Colombia and entered, or withdrawn from warehouse, for consumption on or after February 21, 1991. The Department will also instruct the Customs Service, in accordance with section 703 of the Tariff Act, to require a cash deposit or bond for each such entry of the merchandise in the amount of 9 percent *ad valorem*, the rate found in our preliminary affirmative countervailing duty determination (16 FR 3255; January 14, 1981).

Dated: March 27, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-7736 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DS-M

#### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Export Trade Certificate of Review, Application No. 90-00018.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to the National Hydropower Association (NHA). This notice summarizes the conduct for which certification has been granted.

**FOR FURTHER INFORMATION CONTACT:** George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 377-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1990) (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Certified Conduct

##### Export Trade

##### Products

Equipment, instrumentation, and supplies for: (1) reservoir/resource assessment; (2) environmental assessments; (3) environmental monitoring; (4) production and power generation systems, such as hydraulic turbines and generators, speed increasers and gears, power distribution and specialty transformers, switch gears, pumps and pumping equipment, overhead cranes, hoists, monorail systems, radiotelephone communications, electrical apparatus and equipment, wiring, and miscellaneous ancillary equipment and supplies; (5) transmission and distribution systems; (6) general and technical hydropower information and publications; and (7) all other products related to hydropower development and production (including heavy duty transportation equipment and specialty construction equipment such as stress relief equipment and tunneling equipment).

##### Services

Engineering, design, and other services related to: (1) identification, conceptual prefeasibility, and feasibility reservoir/resource assessment; (2) engineering studies and final designs; (3) environmental assessment and studies; (4) construction and project management; (5) plant management and operations; (6) financing, such as construction and long term debt technical support; (7) servicing, training, and other services related to the sale, use, maintenance, rehabilitation, or upgrading of Products or to projects that substantially incorporate Products; and (8) all other services related to hydropower development and power production.

Export Trade Facilitation Services (as they relate to the export of Products, Services, and Technology Rights)

Consulting; international market research; marketing and trade promotion; trade show participation; trade missions and reverse trade missions; insurance; legal assistance; accounting assistance; services related to compliance with customs requirements; transportation; trade documentation and freight forwarding; communication and processing of sales leads and export orders; warehousing; foreign exchange; financing; liaison with U.S. and foreign government and multinational agencies, trade

associations, and banking institutions; and taking title to goods.

#### Technology Rights

Patents; trademarks; service marks; trade names; copyrights; trade secrets; technical expertise; utility models; hydrologic and hydraulic physical and computer modeling; industrial designs; and computer software protection associated with Products, Services, or Export Trade Facilitation Services.

#### Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

#### Members (in Addition to Applicant)

Acres International Corporation, Amherst, NY, and its controlling entities Acres Corporation, Wilmington, DE, and Acres Inc., Toronto, Canada; Benham-Holway Power Group, Tulsa, OK, and its controlling entity The Benham Group, Inc., Oklahoma City, OK; EWI Engineering Associates, Inc., Middleton, WI; Ossberger Turbines, Inc., Richmond, VA; Synergics, Inc., Annapolis, MD; Tacoma Public Utilities, Tacoma, WA.

#### Export Trade Activities and Methods of Operation

To engage in Export Trade in the Export Markets, NHA and/or one or more of its Members may:

1. Engage in joint selling arrangements for the sale of Products and/or Services in Export Markets, such as joint marketing, negotiations, offering, bidding, and financing, and allocate sales resulting from such arrangements.

2. Establish export prices for sales of Products and/or Services by the Members in Export Markets.

3. Discuss and agree on interface specifications, engineering, and other technical Product and/or Service requirements of specific export customers or Export Markets.

4. Refuse to quote prices for, or to market or sell, Products and/or Services in Export Markets.

5. Solicit non-Member Suppliers (a) to sell their Products and/or Services, or (b) to offer their Export Trade Facilitation Services through the certified activities of NHA and/or its Members; provided, however, that NHA and/or one or more of its Members shall make such solicitations or offers to non-Member Suppliers which provide engineering Services related to

hydropower development and power production, on a transaction-by-transaction basis only and then only when the Members participating in the transaction are unable to supply, at a competitive price and requisite quality under the circumstances, the requisite Products or Services for such transaction, and that NHA and/or such Member may exchange only such information with such non-Member Suppliers, as is reasonably required by such transactions.

6. Coordinate the development of projects in Export Markets, such as resource assessment, scientific and technical assessment, engineering, design, construction and delivery, installation and construction, project ownership, project operation and transfer of project ownership, and the establishment of joint warranty service centers; and establish parts warehousing, training centers, and operation and maintenance services for hydropower facilities and related support services.

7. Engage in joint promotional activities aimed at developing existing or new Export Markets, such as advertising, demonstrations, field trips, trade missions, reverse trade missions, and conferences; and bring together, from time to time, groups of Members to plan and discuss how to fulfill the technical Product and Service requirements of specific export customers or particular Export Markets.

8. Establish and operate joint ventures and other jointly owned entities, such as for-profit and not-for-profit corporations and partnerships and/or other joint venture entities, owned exclusively by Members, for the purpose of engaging in the Export Trade Activities and Methods of Operation herein described.

9. Provide Export Trade Facilitation Services as an exclusive or non-exclusive Export Intermediary for the Members, whereby NHA and/or one or more of its Members may:

(a) Arrange to have NHA and/or one or more of its Members and/or non-Members act as an exclusive or non-exclusive Export Intermediary for the Members;

(b) Establish an entity, owned jointly and exclusively by Members, to act as an exclusive or non-exclusive Export Intermediary for the Members;

(c) Enter into agreements with an exclusive Export Intermediary such that a non-exclusive Export Intermediary may not represent any non-Member Supplier of Products and/or Services in specified Export Markets; and Members may agree that they will not export independently into specified Export Markets, either directly or through any

other Export Intermediary or other party; and

(d) Act as an Export Intermediary negotiating and concluding Technology Right licenses and sub-licenses which are consistent with paragraph 16, below. NHA and/or one or more of its Members when acting as an exclusive Export Intermediary shall not unreasonably refuse to supply its services on non-discriminatory terms to those Members that are parties to the exclusive arrangement and which request such services.

10. Agree that any information obtained pursuant to this Certificate shall not be provided to any non-Member.

11. Act as a shippers' association to negotiate favorable transportation rates and other terms with individual ocean common carriers and individual shipping conferences.

12. Jointly establish and/or negotiate with purchasers regarding specifications for Products and/or Services, on a country-by-country basis for the Export Markets.

13. Exchange and discuss the following types of information about Export Trade, Export Markets, Export Trade Activities and Methods of Operation, and the agreements related thereto:

(a) Information (other than information about Technology Rights; costs; output; capacity; inventories; domestic prices; domestic sales; domestic orders; terms of domestic marketing or sale; or United States business plans, strategies, or methods) that is already generally available to the trade or public;

(b) Information about sales, marketing, and opportunities for sales of Products and/or Services in Export Markets; selling strategies for Export Markets; prices and pricing; projected demands (quality and quantity); customary terms of sale; the types of Products and/or Services available from competitors for sale; market strengths; and economic and business conditions in the Export Markets;

(c) Information about the export prices, quality, quantity, sources, available capacity to produce, and delivery dates of Products available from Members for export; provided, however, that exchanges of information and discussions as to Product quantity, source, export prices, ability to supply Products in quantities sufficient to meet an export sales opportunity, and delivery dates must be on a transaction-by-transaction basis only and shall relate solely to Products intended for or available for export and involve only

those Members who are participating or have genuine interest in participating in each such transaction;

(d) Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by Members;

(e) Information about joint bidding, selling, or servicing arrangements for Export Markets, and allocation of sales resulting from such arrangements among the Members;

(f) Information about expenses specific to exporting Products and Services to Export Markets, such as expenses relating to transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

(g) Information about domestic and foreign legislation, regulations, policies, and executive actions affecting the sales of Products and/or Services in Export Markets, such as U.S. Federal and State programs affecting the sales of Products and/or Services in Export Markets or foreign policies which could affect the export of Products or Services;

(h) Information about Members' export operations, such as sales and distribution networks established by the Members in Export Markets, and prior export sales by Members, such as export price information;

(i) Information necessary to the conduct of Export Trade, Export Trade Activities and Methods of Operation in the Export Markets; and

(j) Information on the organization, governance, financial condition, and membership of NHA.

14. Forward inquiries to the appropriate individual Members concerning requests for information received from a foreign government or its agent, such as that Member's domestic or export activities (such as prices and/or costs). If such Member elects to respond, that Member may respond directly to the requesting foreign government or its agent.

15. Forward inquiries from Members, such as inquiries about foreign policy related to privatization or rural electrification, to a foreign government or its agent; and responses to such inquiries from a foreign government or its agent to the appropriate Members.

16. Individually license and sub-license Technology Rights in Export Markets to non-Members. Such licenses and sub-licenses may:

(a) Convey exclusive or non-exclusive rights in Export Markets;

(b) Impose requirements as to the prices at which Products and/or Services incorporating, manufactured, or

produced, using Technology Rights may be sold or leased in Export Markets;

(c) Impose requirements as to pricing and other terms and conditions of sub-licenses of Technology Rights in Export Markets;

(d) Restrict licenses and sub-licenses as to fields of use, maximum sales, or operations in Export Markets;

(e) Impose territorial restrictions relating to any Export Market on foreign licensees and sub-licensees;

(f) Require the assignment back or exclusive or non-exclusive grant back to the licensor Member of rights in Export Markets to all improvements in the Technology Rights licensed, whether or not such improvements fall within the field of use authorized in such license;

(g) Require package licensing of Technology Rights; and

(h) Require products and/or services (including, but not limited to, Products and Services) to be used, sold, or leased as a condition of the license of Technology Rights.

17. Refuse to provide Export Trade Facilitation Services or participation in Export Trade, Export Trade Activities, and Methods of Operation to non-Members.

18. Individually purchase Products and/or Services for export to Export Markets.

19. Enter into agreements whereby one or more Members, or an entity owned jointly and exclusively by Members, will provide for transportation services to Members, such as the chartering and space chartering of vessels, the negotiation and utilization of through intermodal rates with common and contract carriers for inland freight transportation for export shipments to a domestic export terminal, port, or gateway.

20. Meet to engage in the Export Trade, Export Trade Activities, and Methods of Operation certified herein.

A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230.

Dated: March 28, 1991.

**George Muller,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 91-7783 Filed 4-2-91; 8:45 am]

BILLING CODE 3910-DR-M

#### **President's Export Council; Meeting of the President's Export Council**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of a closed meeting.

**SUMMARY:** The Executive Committee of the President's Export Council is holding its first meeting to discuss the Council's agenda for the year. Discussion and briefings will include relations with our trading partners, trade negotiating strategies, trade performance and promotion, and other sensitive matters properly classified under Executive Order 12356. The President's Export Council was established on December 20, 1973, and reconstituted May 4, 1979, to advise the president on matters relating to U.S. export trade.

A Notice of Determination to close meetings or portions of meetings of the Council to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, 202-377-4217.

**DATES:** April 16, 1991, 9:30 a.m. to 12 p.m.

**ADDRESSES:** Main Commerce Building, room 6029, 14th & Constitution Avenue NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Sylvia Lino, President's Export Council, room 3215, Washington, DC 20230, 202-377-1125.

Dated: March 28, 1991.

**Wendy H. Smith,**

*Staff Director and Executive Secretary, President's Export Council.*

[FR Doc. 91-7760 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DR-M

#### **Applications for Duty-Free Entry of Scientific Instruments**

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC, 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC.

*Docket Number: 91-030. Applicant:* U.S. Department of Agriculture, Agricultural Research Service, Red River Valley Agricultural Research Center, 1605 West College Street, Fargo, ND 58105. *Instrument:* Mass Spectrometer, Model VG Autospec. *Manufacturer:* VG Elementel, United Kingdom. *Intended Use:*

The instrument will be used for the detection, quantitation and/or identification of very small amounts of chemicals in various research programs in biochemistry, metabolics and physiology. *Application Received by Commissioner of Customs:* February 15, 1991.

*Docket Number: 91-031. Applicant:* University of California, San Diego, 9500 Gilman Drive, La Jolla, CA 92093.

*Instrument:* Optical Plankton Counter, Model OPC-1T.

*Manufacturer:* Focal Technologies Inc., Canada. *Intended Use:* The instrument will be used to count plankton-sized particles in the ocean while being towed behind an oceanographic research vessel at approximately 10 knots. It is connected to an electronic data logger on deck by a standard oceanographic conducting cable, through which the data are transmitted.

*Application Received by Commissioner of Customs:* February 15, 1991.

*Docket Number: 91-032. Applicant:* University of Minnesota, Department of Pharmacology, 3-249 Millard Hall, 435 Delaware Street, SE., Minneapolis, MN 55455. *Instrument:* Photometric Workstation. *Manufacturer:* Applied Photophysics, Ltd., United Kingdom. *Intended Use:* The instrument will be used to investigate the structure of the voltage gated sodium channel with respect to its interaction with the plasma membrane, to the folding pattern of the major polypeptide (M 250 K) that constitutes this channel and to the location of four different neurotoxin binding sites, that affect the function of the channel. *Application Received by Commissioner of Customs:* February 15, 1991.

*Docket Number: 91-033. Applicant:* Institute of Human Origins, Geochronology Center, 2453 Ridge Road, Berkeley, CA 94709. *Instrument:* Mass Spectrometer, Model MAP 215-50.

*Manufacturer:* Mass Analyzer Products Ltd., United Kingdom. *Intended Use:* The instrument will be used to measure the quantity of argon gas trapped in naturally occurring igneous rocks and minerals to determine their geologic age.

*Application Received by Commissioner of Customs:* February 19, 1991.

*Docket Number: 91-034. Applicant:* The University of Texas Health Science Center at San Antonio, 7703 Floyd Curl Drive, San Antonio, TX 78284-7758.

*Instrument:* Magnetic Activated Cell Sorter System and Beads. *Manufacturer:* Miltenyi Biotec, West Germany. *Intended Use:* The instrument will be used to sort labeled and unlabeled cells for further study.

*Application Received by Commissioner of Customs:* February 20, 1991.

*Docket Number: 91-035. Applicant:* University of Massachusetts, Electrical and Computer Engineering Department, Amherst, MA 01003. *Instrument:* X-Ray Diffractometer System. *Manufacturer:* Bede Scientific Instruments, Limited, United Kingdom. *Intended Use:* The instrument will be used to study layered compound semiconductor crystals, for a better understanding of crystalline structure, correlation of crystal structure with other material properties, and feedback for crystal growth studies.

*Application Received by Commissioner of Customs:* February 20, 1991.

*Docket Number: 91-036. Applicant:* Northwestern University Medical School, 303 East Chicago Avenue, Chicago, IL 60611. *Instrument:* 2 Vertical Electrode Pullers, Model PE-2.

*Manufacturer:* Narishige Scientific Instrument Laboratory, Japan. *Intended Use:* The instruments will be used to examine the activity of neurons in the brain and spinal cord that are involved in the control of blood pressure and other functions of the body. *Application Received by Commissioner of Customs:* February 20, 1991.

*Docket Number: 91-037. Applicant:* U.S. Department of Agriculture, Agricultural Research Service, Grand Forks Human Nutrition Research Center, 2420 Second Avenue, North, Grand Forks, ND 58202-7166. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad PQ2. *Manufacturer:* VG Analytical, Ltd., United Kingdom. *Intended Use:* The instrument will be used to analyze samples of blood, urine, feces, and other tissues from human subjects to determine the isotopic ratio of various elements in the samples. *Application Received by Commissioner of Customs:* February 22, 1991.

*Docket Number: 91-038. Applicant:* Carnegie Mellon University, 5000 Forbes Avenue, Pittsburgh, PA 15213.

*Instrument:* Metallorganic Chemical Vapor Deposition System, Model EPITOR 04. *Manufacturer:* Thomas Swan and Co., Ltd., United Kingdom. *Intended Use:* The instrument will be

used for deposition of semiconducting III-V compounds for the purpose of research on material properties and electronic devices based on these materials. Specific project research will include phase separation and ordering in ternary and quaternary semiconductor alloys and growth of semiconducting compounds on patterned substrates. *Application Received by Commissioner of Customs:* February 25, 1991.

*Docket Number: 91-039. Applicant:* Wesley Medical Research Institutes, 2903 East Central, Wichita, KS 67208. *Instrument:* Electron Microscope System, Model CM10/PC with Plate Camera. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* The instrument will be used for studies of the following:

(1) Ultrastructural changes in the microvasculature system of human endometrium throughout the normal menstrual cycle.

(2) Ultrastructural changes in human endometrial carcinoma treated and untreated with progestins.

(3) Mouse oocytes to determine ultrastructural changes caused by cell culture conditions to determine optimal culture conditions for use with human oocytes and preembryos for In Vitro Fertilization.

(4) Regulatory effects of Epidermal Growth Factor (EGF) upon FSH-mediated gap junction formation in Porcine Granulosa Cells.

(5) Regulatory effects of Transforming Growth Factor-Beta upon FSH-stimulated and EGF attenuated gap junction formation in Porcine Granulosa Cells.

(6) Eye development in Normal and Trisomy I Littermates. *Application Received by Commissioner of Customs:* February 25, 1991.

*Docket Number: 91-040. Applicant:* University of Illinois at Urbana-Champaign, Purchasing Division, 506 South Wright Street, Urbana, IL 61801. *Instrument:* Gas/Liquid Phase Behavior Apparatus. *Manufacturer:* DB Robinson Design and Manufacturing Ltd., Canada. *Intended Use:* The instrument will be used for PVT analysis or reservoir fluid study which involves obtaining a sample of the crude oil as it exists in the subsurface and analyzing its phase behavior. *Application Received by Commissioner of Customs:* February 25, 1991.

*Docket Number: 91-041. Applicant:* USAF Medical Center, Building 0468 5th Street, Kessler AFB, MS 39534. *Instrument:* Automated Karyotyping System, Model Genetiscan. *Manufacturer:* Image Recognition

System, United Kingdom. *Intended Use:* This will be used to automatically analyze, identify and arrange in a standard pattern chromosomes from cultured blood cells, cultured amniotic fluid cells and cultured and uncultured bone marrow cells. The initial cell or the final product can then be printed by the system. Experiments will be conducted to determine the chromosomal status of a patient to determine the etiology of his or her clinical problems and/or to determine the patient's risks of having chromosomally abnormal offspring.

*Application Received by Commissioner of Customs:* February 26, 1991.

*Docket Number:* 91-042. *Applicant:* University of California, Berkeley, College of Chemistry, 410 Latimer Hall, Berkeley, CA 94720. *Instrument:* Mass Spectrometer, Model VG 70-VSE. *Manufacturer:* VG Analytical Limited, United Kingdom. *Intended Use:* The instrument will be used for mass spectrometry in research aimed at uncovering new reactions of organotransition metal complexes and new metal-mediated transformations of organic compounds. The primary goal of this work is the understanding of the mechanisms of these processes through the application of techniques such as kinetics, stereochemistry and isotope labeling. *Application Received by Commissioner of Customs:* February 26, 1991.

**Frank W. Creel,**  
*Director, Statutory Import Programs Staff,*  
[FR Doc. 91-7735 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DS-M

### National Institute of Standards and Technology

[Docket No. 70609-1001]

RIN 0693-AA69

#### Approval of Federal Information Processing Standards Publication 146-1, Government Open Systems Interconnection Profile (GOSIP)

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** The purpose of this notice is to announce that the Secretary of Commerce has approved a revised standard, which will be published as FIPS Publication 146-1. This standard supersedes FIPS PUB 146 in its entirety.

**SUMMARY:** On July 13, 1989, notice was published in the *Federal Register* (54 FR 29597) that a revision to Federal Information Processing Standard 146, GOSIP, was being proposed for Federal use. On July 5, 1990, notice was published in the *Federal Register* (55 FR

27666) proposing minor technical changes to the proposed FIPS 146-1.

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NIST. On the basis of this review, NIST recommended that the Secretary approve this revised standard as Federal Information Processing Standard (FIPS) 146-1, and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230.

This FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications section which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

**EFFECTIVE DATES:** The protocols originally included in FIPS 146 have been mandatory for use in solicitations and contracts for network products and services since August 15, 1990. Minor technical changes to the original protocols in FIPS 146 (55 FR 27666, July 5, 1990) are effective April 3, 1991. A delayed effective date is not required because this standard is exempt from the Administrative Procedure Act by U.S.C. 553(a)(2). The additional protocols in FIPS 146-1 are effective October 3, 1991, and must be cited in solicitations and contracts after October 3, 1992, when the systems to be acquired provide functionality equivalent to these protocols. Agencies are permitted and encouraged to cite these protocols in procurement requests initiated any time after the date of promulgation.

**ADDRESSES:** Interested parties may purchase copies of this standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement portion of the standard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerard F. Mulvenna, National Institute of Standards and Technology,

Gaithersburg, MD 20899, telephone (301) 975-3631.

Dated: March 28, 1991.

**John W. Lyons,**  
*Director.*

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

1. Name of Standard. Government Open Systems Interconnection Profile (FIPS PUB 146-1).
2. Category of Standard. Hardware and Software Standards, Computer Network Protocols.
3. Explanation. This publication is a revision of FIPS 146 and supersedes FIPS 146 in its entirety. FIPS 146 adopted the Government Open Systems Interconnection Profile (GOSIP) which defines a common set of data communication protocols that enable systems developed by different vendors to interoperate and the users of different applications on those systems to exchange information. This revision contains all of the protocols in FIPS 146 plus additional protocols which provide new services useful to Federal agencies and increase the interoperability achievable among end systems of different manufacture. This revision also includes minor technical changes to the protocols in FIPS 146. These changes are detailed in section 1.7 of the affixed technical specifications document.
4. Approving Authority. Secretary of Commerce.
5. Maintenance Agency. U.S. Department of Commerce, National Institute of Standards and Technology, National Computer Systems Laboratory.
6. Cross Index. NIST Special Publication 500-177, Stable Implementation Agreements for Open Systems Interconnection Protocols, Version 3, Edition 1, NIST Workshop for Implementors of Open Systems Interconnection, December 1989.
7. Related Documents. Related documents are listed in the Reference Section of the GOSIP document.
8. Objectives. The primary objectives of this standard are:
  - To achieve interconnection and interoperability of computers and systems that are acquired from different manufacturers in an open systems environment;

—To reduce the costs of computer network systems by increasing alternative sources of supply;

—To facilitate the use of advanced technology by the Federal Government;

—To stimulate the development of commercial products compatible with Open Systems Interconnection (OSI) standards.

9. Specifications. GOSIP (affixed).

10. Applicability. GOSIP shall be used by Federal Government agencies when acquiring computer networking products and services and communications systems or services that provide equivalent functionality to the protocols defined in the GOSIP. The previous version of the GOSIP FIPS 146 supported the Message Handling Systems (MHS) and File Transfer, Access, and Management (FTAM) applications. FIPS 146 also supported the interconnection of the following network technologies: CCITT Recommendation X.25, Carrier Sense Multiple Access with Collision Detection (ISO 8802/3), Token Bus (ISO 8802/4), and Token Ring (ISO 8802/5).

FIPS 146-1 includes the functionality provided in FIPS 146 as modified by minor technical changes (section 1.7), the Virtual Terminal (VT) service as an additional application, and the Integrated Services Digital Network (ISDN) as an additional network technology. FIPS 146-1 provides that documents constructed according to the Office Document Architecture (ODA) format can be transferred as the body part of a message or the content of a file by the MHS and FTAM applications. FIPS 146-1 also includes the End System to Intermediate System (ES-IS) protocol and, for optional acquisition and use, the Connection Oriented Network Service (CONS) and the Connectionless Transport Protocol (CLTP).

11. Implementation. The protocols originally included in FIPS 146 have been mandatory for use in solicitations and contracts for network products and services since August 15, 1990. The protocols originally included in FIPS 146 have been modified by the minor technical changes in the Federal Register notice (55 FR 27666, July 5, 1990) (see section 1.7 of FIPS 146-1). These minor technical changes to FIPS 146 are effective April 3, 1991, and apply to all Federal procurement requests that cite FIPS 146. The additional protocols in FIPS 146-1 are effective October 3, 1991. These additional protocols included in FIPS 146-1 must be cited in solicitations and contracts initiated after October 3, 1992, when the systems to be acquired provide functionality equivalent to these protocols. Agencies are permitted and encouraged to cite these protocols in

procurement requests initiated any time after the date of promulgation.

OSI protocols providing additional functionality will be added to future versions of the GOSIP as implementation specifications for these protocols are developed by the NIST OSI Implementors' Workshop. The protocols will be mandated for use in Federal procurements initiated one year after the effective date of the future version in which they are included or approximately 18 months after that version is promulgated as a FIPS.

For the indefinite future, agencies will be permitted to buy network products in addition to those specified in GOSIP and its successor documents. Such products may include other nonproprietary protocols, proprietary protocols, and features and options of OSI protocols which are not included in GOSIP.

The National Institute of Standards and Technology has established a GOSIP testing policy, and associated procedures, as documented in *GOSIP Conformance and Interoperation Testing and Registration*, which is a proposed FIPS. The scope of the testing FIPS is limited to those protocols originally included in FIPS 146, i.e., GOSIP Version 1.0. For those protocols newly added to create FIPS 146-1, i.e., GOSIP Version 2.0, interim testing guidance is provided in section 2 of FIPS 146-1.

12. Waivers. Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS

Waiver Decisions, Technology Building, room B-154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the **Federal Register**.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the "Commerce Business Daily" as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

13. Special Information. The appendices to the GOSIP specification describe advanced requirements for which adequate profiles have not yet been developed. Federal Government priorities for meeting these requirements and the expected dates that work on these priorities will be completed are also provided. As these work items are addressed and completed by the NIST Workshop for Implementors of OSI, addenda will be inserted into the GOSIP document.

14. Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161. When ordering, refer to Federal Information Processing Standards Publication 146-1 (FIPSPUB146-1), and title. Specify microfiche if desired. Payment may be made by check, money order, or NTIS deposit account.

[FR Doc. 91-7802 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-CN-M

## National Technical Information Service

### Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with

35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487-4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

*Patent Licensing Specialist, Center for the Utilization of Federal Technology.*

#### Department of Agriculture

- SN 7-168,047 (4,981,981)—Novel Sesquiterpene Epoxides  
 SN 7-240,312 (4,992,268)—A Novel System for Monitoring and Controlling the Papaya Fruit Fly  
 SN 7-400,306 (4,994,383)—Method for Producing Trichothecenes and Related Materials  
 SN 7-586,116—Preenriched Broth Medium for the Simultaneous Sampling of Foods for Salmonella and Listeria  
 SN 7-597,150—Biocontrol of Jointed Goatgrass  
 SN 7-603,504—Core/Wrap Yarn  
 SN 7-608,786—Extraction of Gossypol from Cottonseed  
 SN 7-626,937—Attractants for the Rose Chafer *Macrodactylus subspinosus* (F.)  
 SN 7-629,903—Method and Composition of Cooked Tomato Flavor  
 SN 7-633,815—Benomyl Tolerant Strains of the Fungus *Verticillium Lecanii* and Methods of Use for Biocontrol  
 SN 7-634,853—Inhibition of Potato Sprouting Using Volatile Monoterpenes  
 SN 7-645,438—Method and Composition for Controlling the Soybean Cyst Nematode with a Sex Pheromone and Analogs Thereof

#### Department of Health and Human Services

- SN 6-210,044 (4,433,400)—Acoustically Transparent Hydrophone Probe  
 SN 6-663,969 (4,653,036)—Transducer Hydrophone with Filled Reservoir  
 SN 6-706,622 (4,986,256)—Use of Paramagnetic Metalloporphyrins as

- Contrast Agents for Tumors in NMR Imaging  
 SN 7-230,571—New Plasmid System (of *S. Cerevisiae*)  
 SN 7-345,317 (4,986,703)—Auxiliary Control Technology for Routers  
 SN 7-386,053—Efficient Directional Genetic Cloning System  
 SN 7-470,603—A Method for Quantitatively Measuring Collagenase (Type IV Collagenase)  
 SN 7-477,406—Antiviral Compounds and Their Uses (2' Amino-6-Halo-Dideoxypurinea)  
 SN 7-492,546—Transgenic Animals For Testing Multidrug Resistance  
 SN 7-501,774—Method for Estimating mRNA Content by Filter Hybridization to a Polythymidylate Probe  
 SN 7-510,213—Feeder Calls for Monoclonal Antibody Production  
 SN 7-528,714—A Versatile Reagent for Detecting Murine Leukemia Viruses  
 SN 7-546,449—Enhancement of Musculature in Animals (Transgenic Animals-C-Ski Gene)  
 SN 7-547,832—Platelet Fibrinogen-Specific Monoclonal Antibody (Murine Monoclonal Antibody F26 Specific for Human Platelet Fibrinogen)  
 SN 7-548,011—Immunodiagnostic Reagent Specific for Legionella  
 SN 7-549,172—Thionated Analogues of Thyrotropin Releasing Hormone  
 SN 7-549,304—High Efficiency Packaging of Mutant Adeno-Associated Virus Using Amber Suppression and Assay of Effects of Mutagenic Agents on Reversion to Wild Type  
 SN 7-553,798—Human Herpesvirus-7  
 SN 7-555,092—Novel System for Cloning, Locating and Modifying DNA Sequences Between and Within Species that Share Limited Homology with Known Sequences  
 SN 7-556,713—2"-Fluorofuranosyl Derivatives and Novel Method for Preparing 2'-Fluoropyrimidine and 2'-Fluoropurine Nucleosides  
 SN 7-557,038—NMR Glomerular Filtration Test and Kit  
 SN 7-558,535—A Process of Making Tetrahydropteroylpoly-Glutamic Acid Derivatives  
 SN 7-558,552—Steroid Secreting Human Adrenocortical Carcinoma Cell Lines  
 SN 7-560,035—Efficient Directional Genetic Cloning System  
 SN 7-572,090—Papua New Guinea Human T-Lymphotropic Virus  
 SN 7-572,186—In Vitro Retroviral Integration Assay (Screening System for Anti-HIV Drugs)  
 SN 7-572,410—Trifunctional Agents Useful as Irreversible Inhibitors of A1-Adenosine Receptors

- SN 7-572,631—A PCR Technique to Type Rotaviruses  
 SN 7-574,159—Treated Bird Seed Preferentially Palatable to Birds But Not Palatable to Animals Having Capsaicin Sensitive Receptors  
 SN 7-574,352—Novel Peptide Antigens and Immunoassays, Test Kits and Vaccines Using the Same (Derived from the Gene Products of HTLV-1 and HTLV-II)  
 SN 7-574,972—Apparatus and Method for Reducing Wood Dust Emissions From Large Diameter Disc Sanders While Cleaning A Sanding Disc Thereof  
 SN 7-575,479—Recombinant Plasmid Containing HIV Reverse Transcriptase Gene  
 SN 7-575,524—Hepatocellular Carcinoma Oncogene  
 SN 7-575,808—Use of S-Adenosyl-L-Methionine (SAME) to Reverse and/or Prevent Supersensitivity, Tolerance, and Extrapyramidal Side Effects Induced by Neuroleptic Treatment  
 SN 7-582,060—Human Esophageal Epithelial Cell Lines  
 SN 7-582,063—A Novel Broad Spectrum Human Lung Fibroblast-Derived Mitogen  
 SN 7-584,758—Use of Arsenite to Reversibly Block Steroid Binding to Glucocorticoid Receptors in the Presence of Other Steroid Receptors  
 SN 7-594,923—Cage Configuration for Arboreal Reptiles  
 SN 7-606,967—A Device for Intratracheal Ventilation and Intratracheal Pulmonary Ventilation  
 SN 7-610,880—Microtome With Micro-Plane Reference  
 SN 7-611,088—Method of Propagating Human Paramyxoviruses Using Continuous Cell Lines  
 SN 7-611,268—Method of Forming Three-Stranded DNA  
 SN 7-612,674—An Antiproliferative Protein  
 SN 7-612,675—Human-IL-6  
 SN 7-612,707—Human T-Lymphotropic Virus Type 2 From Guaymi Indians in Panama  
 SN 7-616,913—O6-Substituted Guanine Compounds and Methods for Depleting O6-Alkylguanine-DNA Alkyltransferase Levels  
 SN 7-617,901—Cell Stress Transcriptional Factors
- #### Department of the Interior
- SN 6-907,341 (4,985,069)—Induction Slag Reduction Process For Making Titanium  
 SN 7-271,834 (4,979,846)—Contraction Joint for Concrete Linings  
 SN 7-401,390 (4,996,547)—Radial Arm Strike Rail

SN 7-602,491—Scrap Treatment Method  
 SN 7-610,884—Chemical Process for  
 Removing Selenium from Water  
 SN 7-631,838—Induction Slag Reduction  
 Process for Purifying Metals  
 SN 7-637,580—Method and Apparatus  
 for Reducing Cleaning Blade Wear  
 SN 7-642,950—Abrasive Jet Manifold  
 For A Borehole Miner  
 SN 7-645,430—Cutting Sound  
 Enhancement System for Mining  
 Machines  
 SN 7-651,818—Electrically Conductive  
 Concrete

[FR Doc. 91-7742 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-04-M

#### Patent and Trademark Office

[Docket No. 910235-1035]

#### Intent of In Vitro International, Inc., To Terminate Status of International Depository Authority Under Budapest Treaty

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Patent and Trademark Office is in receipt of information that In Vitro International, Inc., presently an international depository for microorganisms for the purposes of patent procedure, wishes to terminate its status as a depository and transfer all microorganisms which it is presently storing to another depository.

**ADDRESSES:** Questions should be submitted to Michael K. Kirk, Assistant Commissioner for External Affairs, Box 4, Patent and Trademark Office, Washington, DC 20231.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Kirk, Assistant Commissioner for External Affairs, (703) 557-3065.

**SUPPLEMENTARY INFORMATION:** Since November 30, 1983, In Vitro International, Inc., ("IVI"), of Linthicum, Maryland, has been recognized as an international depository authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

The Patent and Trademark Office has received a letter from Jacob B. Davis, Esq., of the law firm of Lechowicz & Davis, Glen Burnie, Maryland, dated January 4, 1991, which states, *inter alia*:

[My client, In Vitro International, Inc. ("IVI") . . . is presently an international depository for microorganisms for the purposes of patent procedure.

IVI would like to terminate its status as a depository and transfer all microorganisms

which it is presently storing to another depository.

The Patent and Trademark Office has also received a second letter from Mr. Davis, dated January 14, 1991, which states, *inter alia*:

My client has no funds to pay another depository for taking these microorganisms.

By letter dated March 4, 1991, the Patent and Trademark Office has notified the Director General of the World Intellectual Property Organization that "the United States has determined that it can no longer assure that IVI is able to continue to comply with the requirements of Article 6(2) of the Budapest Treaty with respect to any original deposits."

Currently under review are what steps should be taken to ensure that (1) guarantees made for IVI to acquire the status of an international depository authority, and (2) its obligations under the Treaty and Regulations, are fulfilled to the fullest extent possible.

Questions may be directed to Michael K. Kirk, Assistant Commissioner for External Affairs, Box 4, Patent and Trademark Office, Washington, DC 20231; telephone (703) 557-3065.

Dated: March 4, 1991.

Harry F. Manbeck, Jr.,  
 Assistant Secretary and Commissioner of  
 Patents and Trademarks.

[FR Doc. 91-7801 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DS-M

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Adjustment of Import Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Czechoslovak Socialist Republic

March 27, 1991.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** March 27, 1991.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority.** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for carryover, carryforward and recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 18369, published on May 16, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

#### Committee for the Implementation of Textile Agreements

March 27, 1991.

Commissioner of Customs

Department of the Treasury, Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on May 10, 1990 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wool and man-made fiber textile products, produced or manufactured in Czechoslovakia and exported during the twelve-month period which began on June 1, 1990 and extends through May 31, 1991.

Effective on March 27, 1991, you are directed to amend the May 10, 1990 directive to adjust the limits for the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and the Czechoslovak Socialist Republic:

Category	Adjusted twelve-month Limit <sup>1</sup>
410/624.....	1,065,045 square meters
433.....	8,069 dozen
434.....	13,229 dozen
435.....	8,184 dozen
443.....	83,357 numbers

<sup>1</sup> The limits have not been adjusted to account for any imports exported after May 31, 1990.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-7734 Filed 4-2-91; 8:45 am]

BILLING CODE 3510-DR-M

## COMMODITY FUTURES TRADING COMMISSION

### Chicago Board of Trade Proposed Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of the terms and conditions of proposed commodity futures contract.

**SUMMARY:** The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in European Currency Unit Bond futures. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation § 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATES:** Comments must be received on or before May 3, 1991.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CBT European Currency Unit Bond futures contract.

**FOR FURTHER INFORMATION CONTACT:** Please contact Stephen Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, at (202) 254-7303.

**SUPPLEMENTARY INFORMATION:** Copies of the terms and conditions of the proposed contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBT in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the

Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or argument on the terms and conditions of the proposed contract, or with respect to other materials submitted by the CBT in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC, 20581, by the specified date.

Issued in Washington, DC on March 28, 1991.

Gerald Gay,

Director.

[FR Doc. 91-7755 Filed 4-2-91; 8:45 am]

BILLING CODE 6351-01-M

### Chicago Board of Trade: Proposed Amendments Relating to Load Out of Soybean Meal on the Soybean Meal Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of Proposed Contract Rule Change.

**SUMMARY:** The Chicago Board of Trade (CBT or Exchange) has submitted proposed amendments to its soybean meal futures contract that will allow load out of soybean meal by truck, in addition to the existing rail load-out option. The proposal will establish a \$3.50 per ton charge for load out by truck. Rail load out will continue to be at par. In addition, the proposal will establish certain procedures governing load out of soybean meal by truck and will revise existing procedures concerning load out into rail cars. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation § 140.96, the Director of the Division of Economic Analysis (Division) of the Commodity Futures Trading Commission (Commission) has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

**DATES:** Comments must be received on or before May 3, 1991.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the proposed truck load-out option on the CBT soybean meal futures contract.

**FOR FURTHER INFORMATION CONTACT:** Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202-254-7303.

**SUPPLEMENTARY INFORMATION:** The soybean meal futures contract currently provides for the delivery of shipping certificates issued by soybean meal shippers that have been designated by the CBT as regular for futures delivery. These shipping certificates obligate the shipper to load soybean meal from the shipper's plant upon the demand of the certificate holder. Shippers receive a daily premium charge from certificate holders for the period during which shipping certificates are outstanding.

Currently, shippers are required to load soybean meal into rail cars. The proposed amendments will require shippers to load soybean meal into either rail cars or trucks, at the receiver's option. The proposal also will establish certain procedures governing load out of soybean meal by truck. First, there will be a \$3.50 per ton charge for load out by truck payable to the shipper by the receiver. Second, the receiver must provide an open-top truck with a minimum capacity of 20 tons. Third, the proposal provides a 24-hour grace period for both the receiver and the shipper in the event that truck load out cannot occur on the originally specified date. After this grace period has passed, the party (either the shipper or the receiver) that is responsible for the delay is assessed a penalty of \$4 per ton per day for each day that load out does not occur. Furthermore, if the receiver is unable to present his or her truck for loading for three consecutive business days, beginning with the originally scheduled loading day, the shipper may elect either to load the meal into rail cars, or reissue a shipping certificate to the receiver. If the shipper is unable to load the receiver's trucks for three consecutive business days, beginning with the originally scheduled loading day, the shipper shall, with the receiver's consent, make the meal available for truck load-out on the third day at another Exchange-regular plant and will compensate the receiver for any transportation loss resulting from the change in location. Fourth, the daily

premium charge for shipping certificates shall continue through the day the trucks are loaded.

The Exchange also is modifying its regulations governing the rate of loading out soybean meal that shippers must register with the Exchange. Currently, a shipper must register a daily rate of loading rail cars that is equal to not less than 40 percent nor more than 100 percent of the maximum 24-hour soybean meal production capacity. Under the proposal, shippers must also declare a daily truck loading rate, which is expressed as a percentage of the daily rail loading rate. This rate must be not less than 40 percent of the registered rail loading rate.

Finally, the Exchange is proposing some changes that are applicable only to the rail load-out option. Currently, the daily premium charge for rail load out is assessed through the business day following the shipper's receipt of load-out orders. Under the proposal, if the receiver specifies that rail shipment be within four business days of the shipper's receipt of loading orders, the premium charge continues through the business day following the shipper's receipt of loading orders; otherwise, if rail shipment is to be more than four business days after receipt of the loading order, the premium will be assessed through the day of loading. In addition, the proposal will delete existing provisions permitting rail delivery in box cars. As amended, the futures contracts will permit rail delivery in covered hopper cars only.

The Exchange states that the proposed amendments will apply to all newly listed soybean meal futures contracts immediately after the Exchange has received notice of Commission approval.

The CBT states that the purpose of the proposed amendments is to make soybean meal shipping certificates more reflective of commercial values for soybean meal, thus improving the pricing and hedging efficiency of the soybean meal futures contract. The CBT notes that an estimated fifty percent of all soybean meal shipped from United States soybean processing plants is by truck. By allowing load out of truck on the soybean meal futures contract, the

proposal will enable the futures contract to match more closely actual cash market practices pertaining to load out. With respect to the proposed \$3.50 per ton charge for truck load out, the Exchange states that this charge reflects the higher costs associated with loading trucks versus loading rail cars.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the same address, or by telephone at 202-254-6314.

The materials submitted by the CBT in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on March 28, 1991.

Gerald Gay,  
Director

[FR Doc. 91-7756 Filed 4-2-91; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement Submitted to OMB for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. chapter 35).

*Title, Applicable Form, and Applicable OMB Control Number:* Job Opportunity Bank Service (JOBS) Program.

*Type of Request:* Expedited submission—Approval date requested: May 1, 1991.

*Average Burden Hours/Minutes Per Response:* 13.4769 minutes.

*Responses Per Respondent:* 1.

*Number of Respondents:* 130,000.

*Annual Burden Hours:* 29,200.

*Annual Responses:* 130,000.

*Needs and Uses:* Used by spouses of separating DOD personnel to enroll in the DOD Job Opportunity Bank Service. Information will be sent to private and public employers (including local, state, and federal employment agencies and outplacement agencies) in the employment process to use as notice of available individuals with interest in potential employment in accordance with Public Law 101-510, chapter 58, section 502 (10 U.S.C. 1143 and 1144).

*Affected Public:* Individuals or households, State or local governments, businesses or other for-profit, Federal agencies or employees, non-profit institutions, and small businesses or organizations

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*OMB Desk Officer:* Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. Sprehe at the Office of Management and Budget, Desk Officer, room 3235, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: March 28, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

BILLING CODE 3810-01-M



**SECTION II - SPOUSE**  
(Military and Civil Service personnel go to Section III)

**15. SPONSOR DATA**

a. NAME (Last, First, Middle Initial)	b. SSN
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**16. JOB HISTORY** (See Instructions for job codes)

a. JOB CODE	b. LENGTH OF TIME JOB HELD	
(1) Current Job	Years	Months
(2) Prior Job	Years	Months
(3) Prior Job	Years	Months

**17. HAVE YOU EVER HELD A SUPERVISORY POSITION?** (X one)

YES       NO

**18. HAVE YOU EVER HELD A SECURITY CLEARANCE?** (X one)

YES       NO

**SECTION III - ALL APPLICANTS MUST READ AND SIGN**

PRIVACY ACT STATEMENT

**AUTHORITY:** 10 U.S.C. 1143, 1144; EO 9397.

**PRINCIPAL PURPOSE(S):** To assist separating DoD personnel and their spouses in securing employment. Individuals participating in the DoD Job Opportunity Bank Service (JOBS) will have their employment skills included in a database designed to link prospective employers with job applicants.

**ROUTINE USE(S):** To public and private employers (including Federal, State, and local employment agencies and outplacement agencies).

**DISCLOSURE:** Voluntary; however, failure to provide all requested information will result in applicant data not being included in the system.

If you are a civil service employee or an active duty service member, the following information will be added to your job referral from your official civilian or military personnel records, if available: Pay Grade / Rank, Dates of Service, Educational Level, Language Skills, Last Unit of Assignment, Security Clearance, Occupation Codes, and Flying Status.

Information on race, ethnic background, sex, age, marital status, and religious preference will not be released to employers. JOBS is an equal opportunity program.

**19. AUTHORIZATION**

I hereby authorize release of the data on this form to civilian agencies and / or private organizations for employment purposes. If I am a civil service employee or an active duty service member, I also authorize the release of data from extracts of my computerized personnel records.

a. SIGNATURE	b. DATE SIGNED (YYMMDD)
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**DEPARTMENT OF DEFENSE JOB OPPORTUNITY BANK SERVICE (JOBS)  
INDIVIDUAL APPLICATION**

**DETAILED INSTRUCTIONS**

**SECTION I - TO BE FILLED OUT BY ALL APPLICANTS**

If you are a service member or civil service applicant, complete Items 1 through 14 and Item 19 in their entirety. You do not need to fill out Items 15 through 18. They will be extracted from your personnel records. It is important that you verify the accuracy of these records prior to entering this program to ensure that the information that is put on your resume is accurate. If you are a spouse, you must complete all items on the form.

- Item 1. Name.** Print/type your name, last name first.
- Item 2. SSN.** Enter your Social Security Number.
- Item 3. Date Available for Work.** Enter the date you will be available for work as year, month, day (YYMMDD).
- Item 4. Filing Status.** Place an X in the box that applies.
- Item 5. Citizenship.** If you are a U.S. citizen, X the YES box. If not, X the NO box.
- Item 6. Mailing Address.** Print/type the address where you can receive mail for the next six months.
- Item 7. a. Job Type Preferences.** Enter up to three codes from the Guideline of Standard Occupation Classification (SOC) Codes, FIPS Pub 92, that most closely match(es) the type of job(s) you are seeking.  
**b.** If you are seeking a job outside of what you are presently doing, X No. If your present job qualifies you for the job you are seeking, X Yes.
- Item 8. Regional Work Preference.** Refer to the regional preference list below, and enter the two-digit code for the geographical area in which you are seeking employment.

<b>REGION 0</b> Only the specific cities selected	<b>REGION 5</b> Indiana Kentucky Michigan Ohio	<b>REGION 10</b> California Oregon Washington
<b>REGION 1</b> Connecticut Maine Massachusetts New Hampshire Rhode Island Vermont	<b>REGION 6</b> Iowa Minnesota Montana North Dakota South Dakota Wisconsin	<b>REGION 11</b> Alaska
<b>REGION 2</b> Delaware New Jersey New York Pennsylvania	<b>REGION 7</b> Illinois Kansas Missouri Nebraska	<b>REGION 12</b> American Samoa Hawaii Guam
<b>REGION 3</b> District of Columbia Maryland North Carolina South Carolina Virginia West Virginia	<b>REGION 8</b> Arkansas Louisiana Oklahoma Texas	<b>REGION 13</b> Anywhere in the U.S.A.
<b>REGION 4</b> Alabama Florida Georgia Mississippi Puerto Rico Tennessee Virgin Islands	<b>REGION 9</b> Arizona Colorado Idaho Nevada New Mexico Utah Wyoming	<b>REGION 14</b> Outside the U.S.A.
		<b>REGION 15</b> Anywhere

**Item 9. Specific Work Preferences.** Enter your first and second work location preferences. Refer to the list below and enter the two-letter abbreviation for the state and print / type the name of the largest city within commuting distance of where you want to work for your first and second work preferences. These cities do not have to be in the region chosen in Item 8.

STATE	CODE	STATE	CODE	STATE	CODE
Alabama	AL	Kentucky	KY	North Dakota	ND
Alaska	AK	Louisiana	LA	Ohio	OH
Arizona	AZ	Maine	ME	Oklahoma	OK
Arkansas	AR	Maryland	MD	Oregon	OR
California	CA	Massachusetts	MA	Pennsylvania	PA
Colorado	CO	Michigan	MI	Rhode Island	RI
Connecticut	CT	Minnesota	MN	South Carolina	SC
Delaware	DE	Mississippi	MS	South Dakota	SD
District of Columbia	DC	Montana	MT	Tennessee	TN
Florida	FL	Nebraska	NE	Texas	TX
Georgia	GA	Nevada	NV	Utah	UT
Hawaii	HI	New Hampshire	NH	Vermont	VT
Idaho	ID	New Jersey	NJ	Virginia	VA
Illinois	IL	New Mexico	NM	Washington	WA
Indiana	IN	New York	NY	West Virginia	WV
Iowa	IA	North Carolina	NC	Wisconsin	WI
Kansas	KS			Wyoming	WY

- Item 10. Highest Education Level Achieved.** X the box which most closely matches your highest education level achieved.
- Item 11. Year Achieved.** Enter the year you achieved Item 10.
- Item 12. Subject of Degree.** Print/type the degree achieved (if applicable) in Item 10 (e.g. BS, Mechanical Engineering; BA, Western Civilization; MS, Physics; etc.)
- Item 13. College/University.** Print/type the name of the college/university where Item 10 was obtained if applicable.

**Item 14. Personal Information.** Print/type in this space any information about yourself you feel would help you obtain a job in the field you are searching. All information in this space will be printed verbatim on your JOBS resume. If you are seeking a job in a field other than your primary military duty this information is the most important since it will comprise a majority of your resume. Carefully choose your words and grammar. Examples:

- Fluent in Chinese, Russian and Spanish
- Virginia State licensed electrician
- 14 years experience in personnel management
- Owned personal computer training business, Jones Computer Training

**SECTION II - SPOUSE**

This section is to be completed only by spouses of military and DoD civilians whose personnel files are not kept by the government.

- Item 15. Sponsor Data.**
  - a. Name. Print/type your sponsor's name, last name first.
  - b. SSN. Enter your sponsor's Social Security Number.
- Item 16. Job History.**
  - a. Job Codes. Consult the Guideline for Standard Occupational Classification (SOC) Codes, FIPS Pub 92, and enter the job codes that most closely match the previous three jobs you held.
  - b. Length of Time Job Held. Enter the number of years and months the job was held (03 years, 09 months).
- Item 17. Supervisory Experience.** If you have supervisory experience, X the YES box. If not, X the NO box.
- Item 18. Security Clearance.** If you have an active security clearance, X the YES box. If not, X the NO box.

**SECTION III**

All applicants must sign and date. Turn in the completed form to the transition assistance officer.

**DEPARTMENT OF DEFENSE JOB OPPORTUNITY BANK SERVICE (JOBS)  
EMPLOYER REGISTRATION**

Form Approved  
OMB No.  
Expires

Public reporting burden for this collection of information is estimated to average 2 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (XXXX-XXXX), Washington, DC 20503. PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES. SEND COMPLETED FORM TO THE ADDRESS BELOW.

**SECTION I - TO BE FILLED OUT BY REQUESTING COMPANY**

1. NAME OF CONTACT (Last, First, Middle Initial)	2. COMPANY NAME AND ADDRESS (Street, City, State, Zip Code)
3. TELEPHONE NUMBER (Include Area Code)	5. FAX ROUTING ADDRESS (As it should appear on FAXed outputs)
4. FAX TELEPHONE NUMBER (Include Area Code)	
6. AGREEMENT I agree to accept and use data only for employment referral purposes at no charge to the individual. I further agree that I and my company will not release this data to anyone for any purpose other than as an employment referral.	
a. SIGNATURE	b. DATE SIGNED

**SECTION II - GOVERNMENT USE ONLY**

7. REGISTRATION NUMBER	8. CLERK	9. DATE (YYMMDD)
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**INSTRUCTIONS**

Complete only Section I. Retain a copy for your records. **DO NOT FILL OUT SECTION 2.**

**Item 1. Name of Contact.** Enter the name of the individual in your company who will serve as the JOBS point of contact.

**Item 2. Company Name and Address.** Enter your company name and address exactly as you would like it to appear on information FAXed or mailed to you.

**Item 3. Telephone Number.** Enter the area code and telephone number for your company. If the individual listed as your company's point of contact has a direct line to his desk, enter that number.

**Item 4. FAX Telephone Number.** Enter the telephone number of your FAX machine.

**Item 5. FAX Routing Address.** If additional information is required on the FAX cover sheet to ensure that JOBS information reaches your company's point of contact, enter that information.

**Item 6. Agreement.** By signing this form, you are agreeing to accept and use JOBS data only for employment referral purposes at no charge to the individual. You further agree that you or your company will not release this data to anyone for any purpose other than as an employment referral.

**PERSONNEL OFFICER:** Please make certain that all items have been completed in their entirety. Sign and date the form.

**SEND ORIGINAL TO:**

JOBS  
ATTN: Registration  
2511 Garden Road, Suite A180  
Monterey, CA 93940-5380

DEPARTMENT OF DEFENSE JOB OPPORTUNITY BANK SERVICE (JOBS)  
JOB REFERRAL WORKSHEET

Form Approved  
OMB No  
Expires

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (XXXX-XXXX), Washington, DC 20503. PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES.

TO PROCESS YOUR REQUEST, USE A TOUCH TONE TELEPHONE TO DIAL THE FOLLOWING NUMBER:  
1 - 900 - 884-4473

1. YOUR JOBS REGISTRATION NUMBER

[Registration Number Input Boxes]

2. OCCUPATIONAL SPECIALTIES (See instructions for coding)

[Occupational Specialties Input Boxes]

3. ZIP CODE OF PRIMARY WORK LOCATION

[Zip Code Input Boxes]

4. NUMBER OF JOB REFERRALS REQUESTED (25 maximum at a time)

[Number of Referrals Input Boxes]

5. YOUR RECEIPT NUMBER (Enter after calling and receiving)

[Receipt Number Input Boxes]

INSTRUCTIONS

It is very important that you fill out this worksheet before you call JOBS so that you will be prepared to input the following information accurately and without hesitation through your telephone.

Item 1. Your JOBS Registration Number. Enter your JOBS registration number exactly as it appears on the registration form sent to you.

Item 2. Occupational Specialties. Refer to the Guideline of Standard Occupational Classification (SOC) Codes, FIPS Pub 92, and enter the four-digit SOC code(s) that most closely describe(s) the position(s) you have available.

Item 3. Zip Code of Primary Work Location. Enter the five-digit zip code for the primary work location for the position(s) described in Item 2.

Item 4. Number of Job Referrals Requested. This number should not exceed 25. For FAX returns.

Item 5. Your Receipt Number. Enter the number that is given to you at the end of your transaction. This number is used if you need to refer to this particular transaction.

**Department of the Army****Army Science Board; Open Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of the Committee:* Army Science Board (ASB)

*Dates of meeting:* April 23-24, 1991

*Time:* 0800-1630 hours each day

*Place:* Fort Leavenworth, Kansas

*Agenda:* The Army Science Board 1991 Summer Study on Army Simulation Strategy will hold a two-day meeting. The meetings will include technical/programmatic briefings and site visits in the area of modeling and simulation. The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

*Administrative Officer, Army Science Board.*

[FR Doc. 91-7814 Filed 4-2-91; 8:45 am]

BILLING CODE 3710-08-M

**Army Science Board; Open Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of the committee:* Army Science Board (ASB).

*Dates of meeting:* 30 April-1 May 1991.

*Time:* 0800-1700 hours each day.

*Place:* Pentagon, Washington, DC.

*Agenda:* The Army Science Board Ad Hoc Subgroup on Initiatives to Improve HBCU/MIs Infrastructure will meet to receive information briefings on HBCU/MI programs from a variety of different sources. The group will be examining ways to maximize both the HBCU/MI contribution to Army Research, Development and Acquisition and the HBCU/MI infrastructure. The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

*Administrative Officer, Army Science Board.*

[FR Doc. 91-7815 Filed 4-2-91; 8:45 am]

BILLING CODE 3710-08-M

**Army Science Board; Closed Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of the Committee:* Army Science Board (ASB).

*Dates/time of meeting:* April 18-19, 1991.

*Time:* 0800-1630 Hours.

*Place:*

April 18, 1991—Washington, DC.

April 19, 1991—St. Louis, MO.

*Agenda:* The Logistics and Sustainability Issue Group of the Army Science Board will meet to initiate a study of Logistic Support and Strategic Deployment During Operation Desert Shield/Storm. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

*Administrative Officer, Army Science Board.*

[FR Doc. 91-7803 Filed 4-2-91; 8:45 am]

BILLING CODE 3710-08-M

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD****Adoption of 5 CFR Part 735—Employee Responsibilities and Conduct**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notice.

**SUMMARY:** Pursuant to 5 CFR 735.104(f), the Director, Office of Government Ethics, has approved the adoption by the Defense Nuclear Facilities Safety Board of the current government employee standards of conduct and conflict of interests regulations set forth in 5 CFR part 735, in lieu of developing the Board's own regulations on these subjects. This notice announces the Board's adoption of 5 CFR part 735 as the regulatory framework for Board employees standards of conduct and conflict of interests issues.

**EFFECTIVE DATE:** April 3, 1991.

**SUPPLEMENTARY INFORMATION:** 5 CFR 735.104(f) provides that small federal agencies do not have to prepare their

own specific regulations implementing the Office of Personnel Management (OPM) regulations on employee standards of conduct and conflicts of interest. Instead, an agency may request the Office of Government Ethics' (OGE) <sup>1</sup> approval to adopt 5 CFR part 735. Such approval was requested by letter from the Board's General Counsel to the Director of OGE, dated February 20, 1991. By return letter, dated March 5, 1991, the Director granted his approval.

Accordingly, pursuant to a unanimous affirmative vote of the Board members, the Board has adopted 5 CFR part 735 (Employee Responsibilities and Conduct), in lieu of promulgating its own regulations. After the effective date of this notice, 5 CFR part 735 regulations will govern conflict of interests and standards of conduct issues pertaining to Board employees.

Dated: March 21, 1991.

John T. Conway,

*Chairman.*

[FR Doc. 91-7753 Filed 4-2-91; 8:45 am]

BILLING CODE 6820-KD-M

[Recommendation 91-2]

**Closure of Safety Issues Prior To Restart of K-Reactor at the Savannah River Site**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notice; recommendation.

**SUMMARY:** The Defense Nuclear Facilities Safety Board has made a recommendation to the Secretary of Energy pursuant to 42 U.S.C. 2286a concerning closure of safety issues prior to restart of K-Reactor at the Savannah River Site. The Board requests public comments on this recommendation.

**DATES:** Comments, data, views, or arguments concerning this recommendation are due on or before May 3, 1991.

**ADDRESSES:** Send comments, data, views, or arguments concerning this recommendation to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, N.W., suite 700, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Kenneth M. Pusateri or Carole J. Council, at the address above or telephone (202) 208-6400.

<sup>1</sup> OGE is now independent of OPM and exercises the authority under 5 CFR part 735.104(f) for approval of agency requests to adopt 5 CFR part 735. Public Law 100-598, 102 stat. 3031-3035.

Dated: March 27, 1991.

**John T. Conway,**  
*Chairman.*

**Closure of Safety Issues Prior to Restart of K-Reactor at the Savannah River Site**

Dated: March 27, 1991.

The principal safety issues to be resolved in connection with restart of the K-Reactor at the Savannah River Site have been assembled in the Reactor Operations Management Plan (ROMP) issued by the Savannah River Site contractor and updated on a number of occasions. These issues had been identified in the course of reviews by a number of organizations, including in-house groups of the DOE, a committee of the National Research Council of the National Academies of Science and Engineering, and the Savannah River contractor. The issues so identified have been divided into those that require resolution before the reactor is restarted, and those that can be addressed over a longer period. DOE has apparently found this process of definition and prioritizing of issues to be acceptable, and the Board has generally regarded it as orderly and competently done.

However, the Board considers the extension of this process to its culmination in closure of the issues as equally important, and has been carefully following its progression. This has largely been done through review of the issue closure packages as they have been received, and further discussion of them with representatives of the DOE and its contractor. The Board considers that it must comment on two aspects of the process.

First, it is seen that the closure packages, which are meant to document completion of the necessary work regarding each issue, contain mainly a list of the reports supporting a conclusion that the issue has been resolved, and the signatures of officials in the contractor's management chain concurring with the conclusion that closure has been achieved. There is no discussion of the relation of the reports to the issue itself, and no enlightenment is provided on the reason for concluding that the work has produced the desired objective.

During briefings by representatives of the DOE and its Savannah River Site contractor some months ago, Board members pointed out that closure packages of this form would cause difficulty to reviewers, including the Board, because of the failure to provide the logic to support conclusions. It was suggested that each closure package be headed by a brief discussion, stating the

issue, the steps taken to address it, the basis for the conclusion that closure had been successful, and the relation of the referenced documents. This text need not be long. At this stage in the Board's review, the need for such documentary discussion is even more evident. Not only would it aid the Board in its review; it would show others how these problems of the past have been corrected.

Second, the Board is concerned that changes made to the process of final review and approval of closure of issues indicates a weakening of DOE's determination to assure itself of resolution of these problems of the past. Originally, DOE's formal concurrence was to be required for closure of each issue in the ROMP. DOE's concurrence is no longer required. It has been restated that closure of issues is to be dealt with in the DOE's Safety Evaluation Report (SER) when it is used. The current indication is that this will be done through discussion and description of the closure process, rather than through stating the DOE's position on closure of all specific issues.

The Board remains convinced that the issues covered by the ROMP represent real deficiencies in past practices, and that their correction is important. In its reviews of activities to resolve issues in the ROMP, the Board has observed numerous areas in which improvement was needed over the measures that had been considered by the contractor as satisfactory. These have been transmitted through formal

recommendations and through informal observations that on the whole have helped to improve the restart activity in important and often essential ways. This convinces the Board that the closure packages deserve DOE's close attention, to the extent of restoring the original intention of approving the closure issue by issue. In the present situation, where the Board reviews each package to determine adequacy and the DOE does not, DOE is relying on the Board to do DOE's job.

In accordance with the above, the Board recommends:

1. That each closure package of an issue in the ROMP be provided with a brief narrative discussion that clarifies the meaning of the issue, describes the steps that were taken to resolve it, states the reason for concluding that closure has been achieved, and shows how the referenced documents support the claim of closure,

2. That the DOE revert to its earlier plan to fully review and concur with the determinations of each issue closure.

**John T. Conway,**  
*Chairman.*

March 27, 1991.

The Honorable James D. Watkins,  
*Secretary of Energy, Washington, DC 20585.*

Dear Mr. Secretary: On March 27, 1991, the Defense Nuclear Facilities Safety Board, in accordance with Section 312(5) of Public Law 100-456, approved a recommendation which is enclosed for your consideration.

Section 315(A) of Public Law 100-456 requires the Board, after receipt by you, to promptly make this recommendation available to the public in the Department of Energy's regional public reading rooms. Please arrange to have this recommendation placed on file in your regional public reading rooms as soon as possible.

The Board will publish this recommendation in the **Federal Register**

Sincerely,  
**John T. Conway,**  
*Chairman.*

[FR Doc. 91-7754 Filed 4-2-91; 8:45 am]

BILLING CODE 6820-KD-M

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket Nos. RP88-115-000, RP90-104-000, and RP90-192-000]

**Texas Gas Transmission Corp.; Informal Settlement Conference**

March 27, 1991.

Take notice that an informal settlement conference will be convened in these proceedings on April 23, 1991, at 1 p.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The conference will continue on April 24, if necessary.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Donald A. Heydt (202) 208-0740 or Joanne Leveque (202) 208-5705.

**Lois D. Cashell,**  
*Secretary.*

[FR Doc. 91-7767 Filed 4-2-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR91-13-000]

**Transco-Louisiana Intrastate Pipeline Co.; Petition for Rate Approval**

March 27, 1991.

Take notice that on March 18, 1991, Transco-Louisiana Intrastate Pipeline Company (Transco-Louisiana) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of \$0.0027 per MMBtu for transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Transco-Louisiana's petition states that it is an intrastate natural gas pipeline within the meaning of section 2(16) of the Natural Gas Policy Act of 1978. Transco-Louisiana is requesting section 311(a)(2) rate approval for transportation to be rendered on its Centerville Interconnect located in St. Mary Parish, Louisiana.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before April 16, 1991. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7768 Filed 4-2-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-2-11-003, TQ90-3-11-001 and TA91-1-11-003]

**United Gas Pipe Line Co.; Filing of Revised Tariff Sheets**

March 27, 1991.

Take notice that on January 7, 1991, United Gas Pipe Line Company (United) tendered for filing, as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet:

Effective April 1, 1990 as filed in Docket No. TQ90-2-11

Substitute Second Revised Sheet No. 4D

United States that the above referenced tariff sheet is being filed to correct a pagination error and does not effect United's rates.

In addition, United tendered for filing, as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Effective April 1, 1990 as filed in Docket No. TQ90-2-11

Third Substitute Third Revised Sheet No. 4A

Effective July 1, 1990 as filed in Docket No. TQ-3-11

Substitute Fourth Revised Sheet No. 4A

Effective October 1, 1990 as filed in Docket No. TA91-1-11

Substitute Eighth Revised Sheet No. 4A

United States that the above referenced tariff sheets are being filed to reflect a decrease of \$0.0313 per Mcf in the commodity cost component of United's G Customer rates to make the commodity cost component equal for all customers. The \$0.0313 decrease is to correct an inadvertent error related to the elimination of the demand charge paid by United to Sea Robin Pipeline Company effective April 1, 1990. United correctly adjusted its two-part rate schedule after Sea Robin's demand charge was eliminated, but failed to make the adjustment to the one-part G rate schedule in the above referenced dockets.

United States that the revised tariff sheets and supporting data are being mailed to its jurisdictional sales customers and to interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before April 3, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7769 Filed 4-2-91; 8:45 am]

BILLING CODE 6717-01-M

**Office of Energy Research****Fusion Energy Advisory Committee; Determination to Establish**

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (FACA) (Public Law 92-463), and 41 CFR 101.6.1005 of the Final Rule on Advisory Committee Management, and following consultation with the Committee Management Secretariat, General Services Administration (GSA), notice is hereby given that the Fusion Energy Advisory Committee (FEAC) has been established.

The Committee will provide advice to the Department on long-range plans, priorities, and strategies for demonstrating the scientific and engineering feasibility of fusion energy.

The Committee members will be chosen to ensure an appropriately balanced membership, taking into account: (1) The scientific disciplines to be represented, such as, fusion plasma physics, laser and ion beam physics, fusion technology, and representatives of other related disciplines, such as, space physics, high energy physics, and environmental science; (2) the institutions involved in the research, such as universities, national laboratories and industry; and (3) appropriate geographic distribution. The establishment of the FEAC has been determined necessary and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will operate in accordance with the provisions of the FACA, the Department of Energy Organization Act (Public Law 95-91), the GSA Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

Further information regarding this advisory committee may be obtained from Elinor Donnelly at 586-3448.

Issued at Washington, DC, on March 29, 1991.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 91-7831 Filed 4-2-91; 8:45 am]

BILLING CODE 6450-01-M

**Office of Fossil Energy**

[FE Docket No. 91-17-NG]

**Brymore Energy Inc.; Application for Blanket Authorization to Import Natural Gas**

AGENCY: Office of Fossil Energy, DOE.

**ACTION:** Notice of Application for Blanket Authorization to Import Natural Gas.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 25, 1991, of an application filed by Brymore Energy Inc. (BEI), for blanket authorization to import from Canada up to 200 Bcf of natural gas for a two-year term beginning on the date of first delivery after August 19, 1991, the date BEI's existing authorization expires. BEI requests authority to import the natural gas at any point on the U.S./Canadian border where existing pipeline facilities are located. No new construction would be involved. BEI also states it will continue to submit quarterly reports to FE detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

**DATES:** Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., May 3, 1991.

**ADDRESSES:** Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Allyson C. Reilly, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9394.  
 Lot Cooke, Fossil Energy, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0503.

**SUPPLEMENTARY INFORMATION:** BEI is a Delaware corporation and has its principal place of business in Las Vegas, Nevada. The proposed imported natural gas would be sold on a short-term basis to U.S. pipelines, local distribution companies, and commercial and industrial end-users. The specific terms of each import and sale would continue to be negotiated on an individual basis including the price and volumes. BEI would act on its own behalf or for the account of others and would import natural gas using existing facilities.

The decision on the application for import authority will be made consistent

with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties, especially those that may oppose this application, should comment in their responses on the issue of competitiveness as set forth in the policy guidelines regarding the requested import authority. The applicant asserts that imports made under this arrangement will be competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

**NEPA Compliance**

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

**Public Comment Procedures**

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any persons wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-

type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and response filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of BEI's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., March 28, 1991.

**Clifford P. Tomaszewski,**

*Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 91-7829 Filed 4-2-91; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 90-108-NG]

**Indeck Energy Services of Corinth, Inc., Indeck Energy Services of Iliion, Inc., Indeck Energy Services of Oswego, Inc., and Indeck Energy Services of Yerkes, Inc.; Order Granting Authorization To Import Canadian Natural Gas**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of an Order Granting Blanket Authorization to Import Canadian Natural Gas.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Indeck Energy Services of Corinth, Inc., Indeck Energy Services of Iliion, Inc., Indeck Energy Services of Oswego, Inc., and Indeck Energy Services of Yerkes, Inc. authorization to import up to a combined total of 9 Bcf of Canadian natural gas over a two-year term

beginning on the date of first delivery of the import.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 28, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91-7830 Filed 4-2-91; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-3918-8]

### Inspection Maintenance Policy; Public Workshop

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public workshop.

**SUMMARY:** The Clean Air Act Amendments of 1990 require EPA to publish guidance on Inspection/Maintenance (I/M) in the Federal Register. EPA is conducting two public workshops to discuss the various issues it sees as relevant to this process. The public is invited to attend and provide input on these issues.

**DATES:** Two public workshops will be held. In Washington, DC, the workshop will be on Monday, April 22nd from 8 am to 5 pm. In California, the workshop will be on Thursday, April 25th from 8 am to 5 pm. Written comments must be submitted to the Agency contact below by no later than May 9, 1991.

**ADDRESSES:** The workshop on April 22nd in Washington will be held at the EPA headquarters auditorium in Waterside Mall, 401 M Street SW., Washington, DC, 20460. The workshop on April 25th in California will be held at the Region 9 EPA offices, 75 Hawthorne Street, San Francisco, California, 94105.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Anderson, Technical Support Staff, Emission Control Technology Division, U.S. Environmental Protection Agency, Plymouth Road, Ann Arbor, Michigan 48105. Telephone: (313) 668-4446.

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

Motor vehicles are a major source of air pollution in urban areas. The

Environmental Protection Agency's Office of Mobile Sources enforces federal standards regulating the amount of carbon monoxide and hydrocarbon emissions a motor vehicle may emit. Inspection/Maintenance (I/M) programs, required by the Clean Air Act Amendments of 1990, are designed to identify and require repair of in-use vehicles that are emitting excessive levels of these pollutants. Section 182 of these Amendments requires that EPA review, revise, update, and republish in the Federal Register guidance for I/M programs. This guidance must be published by November 15, 1991, but EPA intends to publish guidance as soon as possible prior to the November deadline. EPA is providing opportunity for public comment as a part of this policy development process.

#### II. Issues

Depending on population, geographic location, and air quality problem, areas are required to do either basic or enhanced I/M. EPA is working to define program requirements for both basic and enhanced areas. Final EPA guidance for I/M programs will involve both a performance standard and design criteria that States will be required to meet. The Clean Air Act Amendments direct EPA to consider certain program elements in the process of updating the guidance and specify certain elements that must apply. The workshops will provide an opportunity to discuss these elements. Areas of consideration will include: Enforcement, quality control, quality assurance, network choice, cost, test procedures, emission reduction credits, waivers, on-road testing, data collection and reporting, geographic coverage, and requirements for State Implementation Plans.

#### III. Workshop Structure

The planned content of both workshops will be the same. EPA will present a draft policy proposal addressing the above issues in both basic and enhanced areas for reaction and comment at the public workshops. Persons interested in making brief formal presentations at the workshop are requested to notify the Agency contact listed above prior to the workshops. Written comments may be submitted to the same Agency contact before or after the workshops, but by no later than May 9, 1991.

Dated: March 28, 1991.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 91-7822 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-M

[PF-544; FRL-3882-5]

### Pesticide Tolerance Petitions; Initial Filings and a Withdrawal

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the filing of pesticide petitions and food additive petitions that propose establishment of tolerances and/or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities, and it also announces the amendment of a pesticide petition and the withdrawal of a pesticide petition.

**ADDRESSES:** By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/telephone number:

Product Manager	Office location/telephone number	Address
Dennis Edwards (PM 12).	Rm. 202, CM #2, 703-557-2386.	1921 Jefferson Davis Hwy., Arlington, VA Do.
George LaRocca (PM 15).	Rm. 204, CM #2, 703-557-2400.	Do.
Marilyn Meutz (PM 16).	Rm. 211, CM #2, 703-557-2600.	Do.

Product Manager	Office location/ telephone number	Address
Susan Lewis (PM 21)	Rm. 227, CM #2, 703-557-1900.	Do.
Rober Taylor (PM 25)	Rm. 245, CM #2, 703-557-1800.	Do.
Hoyt Jamerson (PM 43)	Rm. 716, CM #2, 703-557-2310.	Do.

**SUPPLEMENTARY INFORMATION:** EPA has received pesticide (PP) and/or food/feed additive (FAP) petitions as follows proposing the establishment and/or amendment of tolerances or regulations for residues of certain pesticide chemicals on certain agricultural commodities.

#### Initial Filings

1. *PP OF3863*. FMC Corp., Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103, proposes to amend 40 CFR 180.418 by establishing a regulation to permit the combined residues of cypermethrin ( $\pm$ )- $\alpha$ -cyano-(3-phenoxyphenyl)methyl ( $\pm$ ) *cis,trans*-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate (cypermethrin) and its metabolites dichlorovinyl acid (DCVA) and *m*-phenoxybenzoic acid (MPBA) in or on peanut nutmeats at 0.05 ppm, peanut hulls at 0.2 ppm, peanut vines at 7.0 ppm, and peanut hay at 16.0 ppm. (PM 15)

2. *PP OF3885*. Stine Microbial Products, 4722 Pflaum Rd., Madison, WI 53704, proposes to amend 40 CFR part 180 by establishing a regulation to exempt from the requirement of a tolerance residues of *Pseudomonas cepacia* (SMP-1) to control fungal disease and nematodes in or on crop seeds, crop feeds, and crop forage. (PM 21)

3. *PP OF3911*. ICI Americas, Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897, proposes to amend 40 CFR 180.409 by establishing a regulation to permit combined residues of the insecticide pirimiphos-methyl [0-[2-diethyl-amino-6-methyl-4-pyrimidinyl] 0,0-diethyl phosphorothioate], the metabolite 0-(2-ethylamino-6-methyl-pyrimidin-4-yl) 0,0-diethyl phosphorothioate and, in the free and conjugated forms, the metabolites 2-diethylamino-6-methyl-pyrimidin-4-ol, 2-ethylamino-6-methyl-pyrimidin-4-ol, 2-amino-6-methylpyrimidin-4-ol in or on wheat at 8 ppm. (PM 12)

4. *PP OF3913*. FMC Corp., 2000 Market St., Philadelphia, PA 19103, proposes to amend 40 CFR 180.378 by establishing a regulation to permit increased combined

residues of permethrin [3-(phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate] and the sum of its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl) methanol (3-PBA) in or on broccoli from 1.0 ppm to 7.5 ppm and cauliflower from 1.0 ppm to 2.0 ppm. (PM 15)

5. *PP OF3914*. FMC Corp., 2000 Market St., Philadelphia, PA 19103, proposes to amend 40 CFR 180.378 by establishing a regulation to increase the tolerance for combined residues of permethrin [(3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate] and the sum of its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl) methanol (3-PBA) in or on pistachios from 0.1 ppm to 0.15 ppm. (PM-15)

6. *PP OF3918*. Sandoz Crop Protection, 1300 East Touhy Ave., Des Plaines, IL 60018, proposes to amend 40 CFR part 180 by establishing a regulation to permit combined residues of the herbicide San 582H [2-chloro-N-(1-methyl-2-methoxy)ethyl]-N-(2,4-dimethyl-thien-3-yl)-acetamide and N-[(1-methyl-2-methoxy)ethyl]-N-(2,4-dimethyl-thienyl)-oxalamide] in or on corn at 0.01 ppm. (PM 23)

7. *PP 1F3923*. Mobay Corp., Animal Health Division, Box 390, Shawnee, KS 66201, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the insecticide cyfluthrin [cyano(4-fluoro-3-phenoxyphenyl)-methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate] in or on milk at 0.08 ppm and meat, fat, and meat byproducts at 0.40 ppm. (PM 15)

8. *PP 1F3933*. Rhone-Poulenc Ag Co., P.O. Box 12014, T.W. Alexander Drive, Research Triangle Park, NC 27709, proposes to amend 40 CFR 180.324 by establishing a regulation to permit residues of the active ingredient bromoxynil (3,5-dibromo-4-hydroxybenzotrile) resulting from the application of its octanoic acid ester in or on peanuts, soybeans, and sugarcane at 0.10 ppm. (PM 25)

9. *PP 1F3935*. DowElanco, 9002 Purdue, P.O. Box 681428, Indianapolis, IN 46268-1189, proposes to amend 40 CFR 180.417 by establishing a regulation to permit combined residues of the herbicide triclopyr (3,5,6-trichloro-2-pyridinyloxy-acetic acid) and its metabolite, 2-methoxy-3,5,6-trichloro-pyridine, in or

on fish at 0.2 ppm and shellfish at 1.0 ppm. (PM 25)

10. *PP 1F3942*. Abbott Laboratories, 1401 Sheridan Rd., North Chicago, IL 60064-4000, proposes to amend 40 CFR 180.224 by establishing an exemption from the requirement of a tolerance for gibberellic acid on mint. (PM 25)

11. *PP 1F3944*. E.I. du Pont de Nemours and Co., Agricultural Products, Walker's Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the pesticide chemical phosphorothioic acid, [0,0-diethyl 0-(1,1,2,2-tetrachloro ethyl) ester] in or on corn at 0.01 ppm. (PM 12)

12. *PP 1F3945*. Rhone-Poulenc AG Co., T.W. Alexander Drive, Research Triangle Park, NC 27709, proposes to amend 40 CFR 180.415 by establishing a regulation to permit residues of the fungicide aluminum tris (O-ethyl phosphonate) in or on stone fruits at 10 ppm. (PM-21)

13. *PP 1F3950*. ICI Americas, Inc., Concord Pike & New Murphy Rd., Wilmington, DE 19897, proposes to amend 40 CFR 180.364 by establishing a regulation to permit combined residues of N-phosphonomethyl glycine (carboxymethylaminomethyl phosphonate) and its metabolite, AMPA, resulting from application of the trimethylsulfonium salt, in or on grapes at 0.2 ppm. (PM 25)

14. *PP 1F3951*. E.I. du Pont de Nemours & Co., Barley Mill Plaza, Wilmington, DE 19880-0038, proposes to amend 40 CFR 180.441 by establishing a regulation to permit combined residues of quizalofop ethyl (ethyl-2-[4-(6-chloroquinoline-2-yl-oxy)phenoxy]propanoate), its metabolite 2-[4-(6-chloroquinoline-2-yl-oxy)phenoxy]propanoic acid, and conjugates, all expressed as quizalofop ethyl, in or on cottonseed at 0.05 ppm. (PM 25)

15. *PP 1F3952*. ICI Americas, Inc., Agricultural Products, Wilmington, DE 19897, proposes to amend 40 CFR 180.438 by establishing a regulation to permit residues of the insecticide lambda-cyhalothrin [1-alpha-(S),3-alpha-(Z)]-( $\pm$ )-cyano-(3-phenoxyphenyl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate] in or on tomatoes at 0.06 ppm, cabbage at 0.4 ppm, and broccoli at 0.4 ppm. (PM 15)

16. *PP 1F3953*. BASF Corp., Agricultural Chemicals, 2505 Meridian Parkway, P.O. Box 13528, Research Triangle Park, NC 27709-3528, proposes to amend 40 CFR 180.383 by establishing a regulation to permit combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-

trifluoromethyl]phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on dry beans and sunflower seed at 0.05 ppm. (PM 23)

17. *PP 1F3954*. Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes to amend 40 CFR 180.443 by establishing a regulation to permit the residues of myclobutanil [alpha-(3-hydroxybutyl)-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitril] in or on stone fruits (except cherry) at 2.0 ppm. (PM 21)

18. *PP 1F3959*. Atochem North America, Inc., 3 Parkway, Rm. 619, Philadelphia, PA 19102, proposes to amend 40 CFR 180.145 by establishing a regulation to permit residues of cryolite in or on potatoes at 2.0 ppm. (PM 16)

19. *FAP 0H5599*. ICI Agricultural Products, Wilmington, DE 19897, proposes to amend 40 CFR part 185 by establishing a regulation for a food additive tolerance to permit residues of [alpha-(S)alpha-(Z)]-(±)-cyano-(3-phenoxyphenyl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate in or on imported dried hops at 12.0 ppm. (PM 15)

20. *FAP 0H5600*. ICI Americas, Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897, proposes to amend 40 CFR 185.4950 and 40 CFR 186.4950 by establishing a food and a feed additive regulation to permit combined residues of the insecticide pirimiphos-methyl [o-(2-diethylamino-6-methyl-4-pyrimidinyl) o,o-diethyl phosphorothioate], the metabolite o-(2-ethylamino-6-methyl-pyrimidin-4-yl) o,o-diethyl phosphorothioate and, in the free and conjugated forms, the metabolites 2-diethylamino-6-methyl-pyrimidin-4-ol, 2-ethylamino-6-methyl-pyrimidin-4-ol, and 2-amino-6-methyl-pyrimidin-4-ol in or on wheat bran and wheat shorts at 40 ppm, and wheat germ at 88 ppm. (PM 12)

21. *FAP 0H5602*. IR-4, Cook College, P.O. Box 231, Rutgers, The State University of New Jersey, New Brunswick, NJ 08903-0231, proposes to amend 40 CFR part 185 and 40 CFR part 186 by establishing food and feed additive regulations to permit residues of the insecticide/miticide bifenthrin [2-methyl [1,1'-biphenyl]-3-yl (methyl)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropane] panecarboxylate in or on dried hops and spent hops at 6.0 ppm. (PM 43)

22. *FAP 1H5603*. Rhone-Poulenc, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709, proposes to amend 40 CFR 186.2700 by establishing a feed additive regulation to permit residues of ethephon [(2-

chloroethyl) phosphonic acid) in or on cottonseed at 4.0 ppm. (PM 25)

23. *FAP 1H5604*. Atochem North America, Inc., 3 Parkway, Rm. 619, Philadelphia, PA 19102, proposes to amend 40 CFR part 186 by establishing a feed additive regulation to permit residues of cryolite in or on potato waste at 22.0 ppm. (PM 16)

24. *FAP 1H5605*. Merck Sharp & Dohme, Division of Merck & Co., Inc., Hillsborough Rd., Three Bridges, NJ 08887, proposes to amend 40 CFR 185.300 by establishing a food additive regulation to permit residues of abamectin and its delta 8,9-isomer in or on wet tomato pomace at 0.01 ppm and dry tomato pomace at 0.07 ppm. (PM 15)

25. *FAP 1H5606*. ICI Americas, Inc., Concord Pike & New Murphy Rd., Wilmington, DE 19897, proposes to amend 40 CFR 186.3500 by establishing a feed additive regulation to permit residues of N-phosphonomethyl glycine (carboxymethylaminomethyl phosphonate) and its metabolites, AMPA, resulting from application of the trimethylsulfonium salt, in or on the processed commodity dried grape pomace at 0.4 ppm. (PM 25)

26. *FAP 1H5607*. ICI Americas, Inc., Agricultural Products, Wilmington, DE 19897, proposes to amend 40 CFR part 186 to permit residues of lambda-cyhalothrin [alpha-(S),3-alpha-(Z)-(±)-cyano(3-phenoxyphenyl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate] in or on wet tomato pomace at 0.6 ppm and dry tomato pomace at 4.0 ppm. (PM 15)

27. *FAP 1H5608*. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes to amend 40 CFR 185.4350 by establishing a regulation to permit combined residues of myclobutanil [alpha-butyl-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile], and both the free and bound forms of its metabolite [alpha-(3-hydroxybutyl)-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile] in or on dried prunes at 5.0 ppm. (PM 21)

#### Amended Petition

28. *PP 8F3658*. Ciba-Geigy Corp., Agricultural Division, P.O. Box 18300, Greensboro, NC 27419, proposes amending part 180 by establishing a regulation to permit residues of the herbicide triasulfuron [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)phenylsulfonyl]urea] in or on barley forage and wheat forage at 6 parts per million (ppm); milk, barley grain, and wheat grain at 0.02 ppm; barley straw and wheat straw at 2 ppm; kidney of cattle, goats, hogs, horses, and sheep at 0.2 ppm; and meat, fat, and meat byproducts excluding kidney of

cattle, goats, hogs, horses, and sheep at 0.1 ppm. A previous notice regarding PP 8F3658 appeared in the *Federal Register* of October 12, 1988 (53 FR 39784). The proposed analytical method for determining residues is liquid chromatography. (PM 25)

#### Withdrawn Petition

29. *PP 2F2673*. Nor-Am Chemical Co., 3509 Silverside Rd., P.O. Box 7495, Wilmington, DE 19803, has withdrawn without prejudice PP 2F2673, which proposes to establish a tolerance for residues of desmedipham in or on sunflower seeds.

Original notice of this petition was published in the *Federal Register* of June 16, 1982 (47 FR 26108).

Authority: 7 U.S.C. 136a.

Dated: March 20, 1991.

Ann E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-7684 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-F

[PF-543; FRL-3878-1]

#### Pesticide Tolerance Petitions; Filing, Amendment, and Withdrawal

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces an initial filing, an amendment, and a withdrawal of pesticide petitions (PP) that propose establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

**ADDRESSES:** By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA

without prior notice. All written comments will be available for public inspection in rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/telephone number:

Product Manager	Office location/telephone number	Address
Joanne Miller (PM 23).	Rm. 237, CM #2, 703-557-1830.	Do.
Rober Taylor (PM 25).	Rm. 245, CM #2, 703-557-1800.	Do.

**SUPPLEMENTARY INFORMATION:** EPA has received pesticide petitions as follows proposing the establishment, amendment, or withdrawal of regulations or petitions for residues of certain pesticide chemicals in or on various agricultural commodities.

#### Initial Filing

1. *PP 1F3936*. Kerley Enterprises, Inc., 2480 West Twin Buttes Rd., Sahurita, AZ 85629, proposes to amend 40 CFR part 180 by establishing a regulation to exempt from the requirement of a tolerance residues of the herbicide ammonium thiosulfate in or on potato vines and cotton plants. (PM 25)

#### Amended Petition

2. *PP 3F2788*. American Cyanamid Co., Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540, has submitted a revised Section F proposing that 40 CFR 180.361 be amended by establishing tolerances for combined residues of pendimethalin [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite [4-[[1-ethylpropyl]amino]-2-methyl-3,5-dinitrobenzyl alcohol] in or on wheat grain and forage and barley grain and forage at 0.1 part per million (ppm) and wheat straw and barley straw at 0.3 ppm. Notice of the original filing of PP 3F2788 for the chemical on forage, grain, and straw of wheat and forage, grain, and straw of barley at 0.1 ppm appeared in the *Federal Register* of January 12, 1983, at page 1350 (48 FR 1350; January 12, 1983). (PM 25)

#### Withdrawn Petition

3. *PP 8F3669*. ICI Agricultural Products, Concord Pike and New

Murphy Rd., Wilmington, DE 19897, has requested that its pesticide petition (PP) 8F3669 proposing to amend 40 CFR 180.411 by establishing a regulation to permit residues of the herbicide [R]-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of [R]-butyl-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-p-butyl), all expressed as fluazifop, in or on celery at 4.0 ppm and head lettuce at 1.5 ppm, with the proposed analytical method for determining residues being nuclear magnetic resonance spectroscopy, be withdrawn without prejudice to future filing. Notice of the petition's filing appeared in the *Federal Register* of October 12, 1988 (53 FR 39784). (PM 23)

Authority: 7 U.S.C. 136a.

Dated: March 19, 1991.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-7685 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-F

[CFRL-3918-7]

#### Tartar Farms Site; Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** Under § 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Tartar Farms Site, Somerset, Kentucky, with Cooper Industries, Inc. EPA will consider public comments on proposed settlement for thirty (30) days. EPA may withdraw or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Carolyn McCall, Cost Recovery Section, Waste Management Division, EPA, Region, IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404-347-5059.

Written comments may be submitted to the person above by thirty days from the date of publication.

Dated: March 18, 1991.

Donald J. Guinard,  
Acting Director, Waste Management Division.

[FR Doc. 91-7823 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-M

#### FEDERAL MARITIME COMMISSION

##### Agreement(s) Filed; Greece Westbound Conference et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 203-009976-010.

*Title:* Mediterranean Associated Conference Agreement.

#### Parties:

Greece Westbound Conference  
Mediterranean/North Pacific Coast  
Freight Conference  
Mediterranean/Puerto Rican  
Conference  
South Europe/U.S.A. Freight  
Conference  
Turkey/U.S. Atlantic and Gulf Rate  
Agreement.

*Synopsis:* The proposed amendment would delete the reference to "terminal" in article 5.1(b) and would revise article 5.1(c) to provide that the parties to the Agreement may discuss and take action on issues pertaining to the automation of tariff filing and information retrieval.

*Agreement No.:* 203-011326.

*Title:* NYK/NLS Planning and Implementation Agreement.

#### Parties:

Nippon Yusen Kaisha Ltd.  
Nippon Liner System, Ltd.

*Synopsis:* The proposed Agreement would authorize the parties to discuss, plan and establish the transitional activities necessary to facilitate the consolidation as of October 1, 1991, of their operations in the trades between the United States (including Hawaii and

Alaska) and Canada, Mexico, the Caribbean, Far East, Middle East, Indian-Subcontinent, Australia and New Zealand. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: March 28, 1991.

Joseph C. Polking,  
Secretary.

[FR Doc. 91-7740 Filed 4-2-91; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

[Docket Nos. 7100-0128 and 7100-0244]

### Bank Holding Company Reporting Requirements

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Interim changes in agency forms.

**SUMMARY:** Notice is hereby given of approval by the Board of Governors of the Federal Reserve System ("Board"), on an interim basis, of the changes in reporting requirements that are identified below, under authority delegated to the Board by the Office of Management and Budget ("OMB"), as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public). In addition, the Board is giving notice of its intent to release to the public, data submitted by bank holding companies on the forms identified herein, as of December 31, 1990, relating to risk-weighted assets and off-balance sheet items, components of tier 1 and tier 2 capital and other data elements related to the calculation of the risk-based capital ratio. The changes in reporting requirements shall be effective for the reporting period ending March 31, 1991. The Board will consider all public comments and determine, on the basis of those comments, whether these changes as approved on an interim basis should become final.

**DATES:** Comments must be submitted on or before May 2, 1991.

**ADDRESSES:** Comments, which should refer to the OMB Docket numbers, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

**SUMMARY:** Under the Bank Holding Company Act of 1956, as amended, the Board is responsible for the supervision and regulation of all bank holding companies. The Board has approved on an interim basis revisions to the Consolidated Financial Statements for Bank Holding Companies With Total Consolidated Assets of \$150 Million or More, or With More Than One Subsidiary Bank (FR Y-9C; OMB No. 7100-0128). The purpose of the revision is to parallel changes approved by the Federal Institutions Examination Council and OMB to the commercial bank Reports of Condition and Income, effective with the March 31, 1991, reports.

As part of these revisions, the Board has given approval on an interim basis to the addition of several new lines items to the FR Y-9C and to several other reports submitted by bank holding companies.<sup>1</sup> These changes will improve the monitoring of risk-based capital and provide information which will enable the Board to more effectively perform its supervisory responsibilities and more accurately inform Congress with regard to the safety and soundness of the nation's financial system. Other changes are minor and involve minimal burden. Accordingly, deferral of the effective date of the changes described herein beyond March 31, 1991, is unnecessary, and would be impractical and contrary of the public interest.

The Board has approved on an interim basis revisions that are effective with the March 31, 1991, filing date of the reports,<sup>2</sup> and coincide with the effective date of the changes to the Reports of Condition and Income, thus reducing the burden on both banks and their bank holding companies.

The Board intends to make available on request data reported in the FR Y-9C on Schedules HC-I, HC-IC, and HC-J as of the reporting date of December 31, 1990. These data provide the necessary information to calculate the risk-based

<sup>1</sup> The other reports being revised are the Parent Company Only Financial Statements for Bank Holding Companies With Total Consolidated Assets of \$150 Million or More, or With More Than One Subsidiary Bank (FR Y-9LP; OMB No. 7100-0128), the Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies (FR Y-11Q; OMB No. 7100-0244), and the Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies. By Type of Nonbank Subsidiary (FR Y-11AS; OMB No. 7100-0244).

<sup>2</sup> The revision to the FR Y-11AS will be effective with the December 31, 1991, filing date.

capital ratio in accordance with the Risk-Based Capital Guidelines (12 CFR part 225; appendix B).

The reports are required by law and are authorized by section 5(c) of the Bank Holding Company Act of 1956 [12 U.S.C. 1844] and by § 225.5(b) of Regulation Y [12 CFR 225.5(b)].

The changes to the various forms identified in this notice, as well as the change in the Board's policy regarding public availability of certain 1990 data relating to risk-weighted assets, off-balance sheet items, tier 1 and tier 2 capital components and other deductions, will be effective March 31, 1991, and for the reporting period that ends on that date, subject to any changes the Board may determine to make on the basis of public comments received. Prompt adoption of the changes is necessary to limit the burden on reporting organizations enabling those organizations to make the changes in the same reporting period in which corresponding changes in commercial bank Reports of Condition and Income must be made.

*Revisions Approved Under OMB Delegated Authority—the Approval of the Collection of the Following Reports:*

1. *FR Y-9C* (OMB No. 7100-0128), Consolidated Financial Statements for Bank Holding Companies with Total Consolidated Assets of \$150 million or More, or With More Than One Subsidiary Bank;

This report is to be filed by all bank holding companies that have total consolidated assets of \$150 million or more and by all multibank holding companies regardless of size. The following bank holding companies are exempt from filing the FR Y-9C, unless the Board specifically requires an exempt company to file the report: Bank holding companies that are subsidiaries of another bank holding company and have total consolidated assets of less than \$1 billion; bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act; and foreign banking organizations as defined by § 211.23(b) of Regulation K. The revised report is to be implemented on a quarterly basis as of March 31, 1991, with a submission date of 45 days after the "as of" date.

**Report Title:** Consolidated Financial Statements for Bank Holding Companies with Total Consolidated Assets of \$150 million or More, or With More Than One Subsidiary Bank.

**Agency Form Number:** FR Y-9C.

**OMB Docket Number:** 7100-0128.

**Frequency:** Quarterly.

*Reporters:* Bank Holding Companies.  
*Annual Reporting Hours:* 167,790.  
*Estimated Average Hours per Response:* Range from 5 to 1,200 hours.  
*Number of Respondents:* 1,598.  
 Small businesses are affected.

The information collection is mandatory [12 U.S.C. 1844] and part of the information is given confidential treatment. Confidential treatment is not routinely given to the remaining information on the form. However, confidential treatment for the remaining information, in whole or in part, can be requested in accordance with the instructions to the form.

2. *FR Y-9LP* (OMB No. 7100-0128), Parent Company Only Financial Statements for Bank Holding Companies with Total Consolidated Assets of \$150 million or More, or With More Than One Subsidiary Bank;

This report is to be filed on a parent company only basis by all bank holding companies that have total consolidated assets of \$150 million or more, or have more than one subsidiary bank. Bank holding companies of any size that are controlled by another bank holding company that has total consolidated assets of \$150 million or more, or have more than one subsidiary bank must file the FR Y-9LP. The following bank holding companies are exempt from filing the FR Y-9LP, unless the Board specifically requires an exempt company to file the report: Bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act and foreign banking organizations as defined by § 211.23(b) of Regulation K. This report is to be submitted with the consolidated financial statements required above. The revised report is to be implemented on a quarterly basis as of March 31, 1991, with a submission date of 45 days after the "as of" date.

*Report Title:* Parent Company Only Financial Statements for Bank Holding Companies with Total Consolidated Assets if \$150 million or More, or With More Than One Subsidiary Bank.

*Agency Form Number:* FR Y-9LP.  
*OMB Docket Number:* 7100-0128.

*Frequency:* Quarterly.  
*Reporters:* Bank Holding Companies.  
*Annual Reporting Hours:* 32,474.  
*Estimated Average Hours per Response:* Range from 2 to 13.5 hours.  
*Number of Respondents:* 1,933.  
 Small businesses are affected.

The information collection is mandatory [12 U.S.C. 1844]. Confidential treatment is not routinely given to the information on the form. However, confidential treatment for the information can be requested in

accordance with the instructions to the form.

3. *FR Y-11Q* (OMB No. 7100-0244), Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies;

This report is to be filed on a quarterly basis by (1) all bank holding companies with total consolidated assets of \$1 billion or more; and (2) bank holding companies with total consolidated assets of between \$150 million and \$1 billion that meet one or more of the following conditions: (i) the total assets of the bank holding company's nonbank subsidiaries equal or exceed 5 percent of the total consolidated assets of the bank holding company, (ii) net income of the bank holding company's nonbank subsidiaries equals or exceeds 5 percent of the bank holding company's total consolidated net income, or (iii) the bank holding company's investments in and/or loans and advances to its nonbank subsidiaries equal or exceed 5 percent of the bank holding company's total stockholder's equity. The revised report is to be implemented as of March 31, 1991, with a submission date of 60 days after the "as of" date.

*Report Title:* Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies.

*Agency Form Number:* FR Y-11Q.  
*OMB Docket Number:* 7100-0244.

*Frequency:* Quarterly.  
*Reporters:* Bank Holding Companies.  
*Annual Reporting Hours:* 3,878.  
*Estimated Average Hours per Response:* Range from 1 to 6 hours.  
*Number of Respondents:* 303.  
 Small business is not affected.

The information collection is mandatory [12 U.S.C. 1844]. Confidential treatment is not routinely given to the information on the form. However, confidential treatment for the information can be requested in accordance with the instructions to the form.

4. *FR Y-11AS* (OMB No. 7100-0244), Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies, by Type of Nonbank Subsidiary.

This report is to be submitted as of each December 31 by the same bank holding companies submitting the quarterly FR Y-11Q report (No. 3 above). The revised report is to be implemented as of December 31, 1991, with a submission date of 60 days after the "as of" date.

*Report Title:* Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies, by Type of Nonbank Subsidiary.

*Agency Form Number:* FR Y-11AS.

*OMB Docket Number:* 7100-0244.  
*Frequency:* Annual.

*Reporters:* Bank Holding Companies.  
*Annual Reporting Hours:* 1,879.  
*Estimated Average Hours per Response:* Range from 1 to 17 hours.  
*Number of Respondents:* 303.  
 Small business is not affected.

The information collection is mandatory [12 U.S.C. 1844]. Confidential treatment is not routinely given to the information on the form. However, confidential treatment for the information can be requested in accordance with the instructions to the form.

**FOR FURTHER INFORMATION CONTACT:** Stephen M. Lovette, Manager, Policy Implementation, Division of Banking Supervision and Regulation (202/452-3622) or Arleen Lustig, Supervisory Financial Analyst, Division of Banking Supervision and Regulation (202/452-2987). The following individuals may be contacted with respect to issues related to the Paperwork Reduction Act of 1980: Stephen Siciliano, Special Assistant to the General Counsel for Administrative Law, Legal Division (202/452-3920); Frederick J. Schroeder, Chief, Financial Reports, Division of Research and Statistics (202-452-3829); and Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

**SUPPLEMENTARY INFORMATION:** The Board has granted approval, under delegated authority from the Office of Management and Budget, on an interim basis to revisions in the following reports. The reports are:

1. *FR Y-9C* (OMB No. 7100-0128), Consolidated Financial Statements for Bank Holding Companies with Total Consolidated Assets of \$150 million or More, or With More Than One Subsidiary Bank;

2. *FR Y-9LP* (OMB No. 7100-0128), Parent Company Only Financial Statements for Bank Holding Companies with Total Consolidated Assets of \$150 million or More, or With More Than One Subsidiary Bank;

3. *FR Y-11Q* (OMB No. 7100-0244), Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies;

4. *FR Y-11AS* (OMB No. 7100-0244), Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies, by Type of Nonbank Subsidiary.

The FR Y-9C consolidated financial statements are filed by the large bank holding companies and those with more than one subsidiary bank. The report includes a balance sheet, income statement, and statement of changes in equity capital with supporting schedules providing information on securities.

loans, highly leveraged transactions, risk-based capital, deposits, interest sensitivity, average balances, off-balance sheet activities, past due loans, and loan charge-offs and recoveries. The parent company statement, FR Y-9LP, is filed by the large companies that also file the FR Y-9C. The FR Y-9LP contains a balance sheet and income statement with a supporting schedule on investments in subsidiaries, a statement of cash flows and other selected items. The nonbank subsidiary financial statements, FR Y-11Q and FR Y-11AS, contain balance sheets and income items and are filed by the larger bank holding companies. The reporting requirements approved by the Board on an interim basis are listed above under Revisions Approved under OMB Delegated Authority—the Approval of the Collection of the Following Report.

The revisions to the bank holding company reporting requirements over the last several years have been directed towards (a) strengthening the Federal Reserve's ability to monitor risk-taking between on-site inspections; (b) identifying supervisory problems at an earlier stage; and (c) monitoring the bank holding companies' capital adequacy.

In addition, the consolidated bank holding company financial statements (FR Y-9C) have been structured to lessen the bank holding companies' overall reporting burden by making the FR Y-9C identical, to the extent possible, to the commercial bank Reports of Condition and Income. This parallel format enables bank holding companies to use the structure of accounts established for subsidiary banks in reporting for the consolidated bank holding company.

The revisions to the bank holding company reporting requirements, in most cases, parallel those approved for the Reports of Condition and Income for the March 31, 1991, reporting date. The Board has given approval on an interim basis to revisions to the FR Y-9C effective for the first quarter 1991 in response to a number of comments from both bank holding companies and banks requesting that the federal banking agencies make modifications to the regulatory reports effective for the same reporting period.

The Board has also given approval on an interim basis to the addition of several new line items to the FR Y-9C, FR Y-9LP, FR Y-11Q, and the FR F-11AS. The added information provided by these items will enable the Federal Reserve and the other federal banking agencies to adjust the calculations for risk-based capital, to provide the Federal Reserve with information

needed to respond to Board and Congressional questions, and to establish statistical support for supervisory decisions.

Finally, the Board is deleting certain items that were required, under the previous capital guidelines, to calculate secondary capital. These items are no longer needed with the elimination of the primary and secondary capital adequacy measures at year-end 1990.<sup>3</sup>

All of the revisions are summarized below.

#### *Revisions Corresponding to Report of Condition Changes*

The Board has approved the following changes to the consolidated bank holding company financial statements (FR Y-9C), which correspond to those made to the commercial bank Reports of Condition and Income. These revisions will lessen the reporting burden on bank holding companies by keeping the structure of the consolidated financial statements parallel to the commercial bank Reports of Condition and Income and will enhance the analysis of the reports.

In addition, the modifications will provide supplemental information for the consolidated bank holding company on activities in which the holding companies can engage outside their subsidiary banks.

1. Securities (Schedule HC-A)—
  - a. Debt securities held for sale
  - b. Debt securities restructured and in compliance with modified terms.
2. Loans and Lease Financing Receivables (Schedule HC-B)—
  - a. Split "All other loans secured by 1-4 family residential properties." (item 1.c(2)) into two line items adding closed-end loans "Secured by junior liens" on 1-4 family residential properties.
  - b. Split "Loans to depository institutions" into (1) "Loans to U.S. banks and other U.S. depository institutions" and (2) "Loans to foreign banks."
  - c. Separate item 5, "Loans to individuals for household, family, and other personal expenditures" into (1) "Credit cards and related plans" and (2) "Other."
  - d. Add a memorandum item for "Loans and leases held for sale."
3. Memoranda (Schedule HC-G)—
  - a. Add "Total assets of unconsolidated subsidiaries and associated companies."
4. Past Due and Nonaccrual Loans, Lease Financing Receivables,

<sup>3</sup> The deletion of data items pertaining to secondary capital was included in the 1990 proposal to change the FR Y-9C. Approval was granted by the Board and OMB at the beginning of August 1990.

Placements, and Other Assets (Schedule HC-H)—

a. Add "Loans to U.S. banks and other U.S. depository institutions" and "Loans to foreign banks" as subitems of "Loans to depository institutions" that are past due or in nonaccrual status.

b. Split "Loans to individuals for household, family, and other personal expenditures" into (1) "Credit cards and related plans" and (2) "Other loans to individuals for household, family, and other personal expenditures."

c. Add a line item for past due and nonaccrual "Loans to foreign governments and official institutions."

d. Split memoranda item 4.c, "Secured by 1-4 family residential properties" into (1) "Revolving, open-end loans secured by 1-4 family residential properties and extended under lines of credit" and (2) "All other loans secured by 1-4 family residential properties."

#### 5. Highly-Leveraged Transactions (Schedule HC-K)—

Add detail on HLT's 30 to 89 days past due and still accruing.

#### 6. Additional Detail on Capital Components (Schedule HI-IC)—

Add line items for discounting long-term preferred stock with an original maturity of 20 years or more.

This information is presently collected on the commercial bank Reports of Condition and Income on Schedule RC-R, item 2, column B.

#### 7. Charge-offs and Recoveries and Changes in Allowance for Loan and Lease Losses (Schedule HI-B)—

a. Add "Loans to U.S. banks and other U.S. depository institutions" and "Loans to foreign banks" as subitems of a new item, "Loans to depository institutions" that have been charged-off or recovered

b. Split "Loans to individuals for household, family, and other personal expenditures" into (1) "Credit cards and related plans" and (2) "Other loans to individuals for household, family, and other personal expenditures."

c. Add memorandum item 2 for "Loans to finance commercial real estate, construction, and land development activities included in part I, items 2 and 7 above" that are charged-off or recovered.

d. Split memoranda item 4.c, "Secured by 1-4 family residential properties" into "Revolving, open-end loans secured by 1-4 family residential properties and extended under lines of credit" and "All other loans secured by 1-4 family residential properties."

#### *Other Revisions*

To the bank holding company consolidated financial statements (FR Y-9C):

1. Add to the Risk-Based Capital Abbreviated schedule (Schedule HC-I) Abbreviated) an item to collect "Capital investments in unconsolidated banking and finance subsidiaries."

2. Delete from the Memoranda schedule (Schedule HC-G), as previously approved, certain items that were included on the report form for the purpose of calculating secondary capital under the previous capital adequacy guidelines.

Unsecured long-term debt, which was collected on Schedule HC-G, will be moved to Schedule HC-IC.

3. Move from Schedule HC-G, Memoranda, to Schedule HC-IC, Additional Detail on Capital Components, the following items:

a. "Common or perpetual preferred stock dedicated to retire or redeem outstanding equity contract notes"

b. "Common or perpetual preferred stock dedicated to retire or redeem outstanding equity commitment notes"

c. "Total perpetual debt"

d. "Offsetting debit to the liability (i.e., the contra account) for Employee Stock Ownership Plan (ESOP) debt guaranteed by the reporting bank holding company"

4. Add two line items to Schedule HC-IC that provide data on treasury stock in the form of perpetual preferred stock and treasury stock in the form of common stock.

To the parent company only financial statements (FR Y-9LP):

5. Add an item to the balance sheet to collect deposits.

To ensure consistency of reporting and to enable the Board to analyze the liabilities of the parent company in conjunction with the consolidated financial statements, the Board has approved the addition of "Deposits" as a line item.

6. Add a free form item at the end of the FR Y-9LP.

The addition of this item will enable the Board to automate information that holding companies are now reporting as footnotes to various reported items.

To the Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies (FR Y-11Q) and the Combined Financial Statements of Nonbank Subsidiaries of Bank Holding Companies, by Type of Nonbank Subsidiary (FR Y-11AS):

7. Add line items for purchased mortgage servicing rights, goodwill, and other identifiable intangible assets.

8. Split the line item, "Borrowings with an original maturity of one year or less" into "Commercial paper" and "Other borrowings with an original maturity of one year or less."

#### Public Availability of Schedules HC-I, HC-IC and HC-J in the FR Y-9C

Data on risk-based capital are submitted on Schedules HC-I, HC-IC, and HC-J in the FR Y-9C. These schedules require bank holding companies to submit data on their risk-weighted assets, off-balance sheet items, and tier 1 and tier 2 capital components.

In the Federal Register on August 8, 1990, 55 FR 32297, the Board indicated that these data would be given routine confidential treatment through year-end 1990 when the minimum capital ratios under the Risk-Based Guidelines become effective. The confidential treatment was to be consistent with the treatment accorded risk-based capital data on the Reports of Condition and Income filed by commercial banks and authorized by the Federal Financial Institutions Examination Council. This treatment was both to ensure that the data being reported were correct by the date of the public disclosure of the information and to maintain confidentiality until the Risk-Based Capital Guidelines were in place. On December 31, 1990, the Guidelines were effective for both banks and bank holding companies. The Council authorized the release to the public of data reported by commercial banks as of December 31, 1990.

The Board, therefore, intends to release the risk-based capital data reported in the FR Y-9C as of December 31, 1990. This action is taken to ensure data on bank holding companies will be available at the same time as data on banks, and that the data will be available at the same date as the implementation of the Risk-Based Capital Guidelines.

#### Legal Status and Confidentiality

Sections 5(b) and 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(b) and (c)) and § 225.5(b) of Regulation Y (12 CFR 225.5(b)) authorizes the Board to require the reports. The Board does not consider the data in these reports to be confidential except as indicated herein. Under the existing guidelines, the data submitted in response to the bank holding company reporting requirements are available to the public unless a specific company requests confidential treatment for all or part of the reports and the request is granted by the Board. The Board will continue to grant confidentiality for highly-leveraged transactions, for assets past due 30-89 days and still accruing, and for renegotiated loans and leases not in compliance with modified terms. Confidential treatment will be accorded

pursuant to section (b)(4) of the Freedom of Information Act (5 U.S.C. 552(b)(4)).

#### Regulatory Flexibility Act Analysis

The Board certifies that the bank holding company reporting requirements are not expected to have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Small bank holding companies are required to report semiannually, rather than quarterly, as is required for more complex or larger companies. The reporting requirements for the small companies require significantly less information to be submitted than the amount of information required of multibank or large bank holding companies. In addition, the reporting requirements allow for reporting of less detail for the smaller companies on the approved items.

The information that is collected on the reports is essential for the detection of emerging financial problems, the assessment of a holding company's financial condition and capital adequacy, the performance of pre-inspection reviews, and the evaluation of expansion activities through mergers and acquisitions. The imposition of the reporting requirements is essential for the Board's supervision of bank holding companies under the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, March 28, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-7781 Filed 4-2-91; 8:45 am]

BILLING CODE 6210-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Alcohol, Drug Abuse, and Mental Health Administration

##### Current List of Laboratories Which Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, ADAMHA, HHS.

ACTION: Notice.

**SUMMARY:** The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of

each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

**FOR FURTHER INFORMATION CONTACT:**

Denise L. Goss, Program Assistant, Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, Room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857; Tel: (301) 443-6014.

**SUPPLEMENTARY INFORMATION:**

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of NIDA certification are not to be considered as meeting the minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

- Alpha Medical Laboratory, Inc., 405 Alderson Street, Schofield, WI 54476, 800-627-8200
- American BioTest Laboratories, Inc., Building 15, 3350 Scott Boulevard, Santa Clara, CA 95054, 408-727-5525
- American Medical Laboratories, Inc., 11091 Main Street, P.O. Box 188, Fairfax, VA 22030, 703-691-9100
- Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, Suite 250, Las Vegas, NV 89119-5412, 702-733-7866
- Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801-583-2787
- Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414-355-4444/800-877-7016

Bellin Hospital-Toxicology Laboratory, 2789 Allied Street, Green Bay, WI 54304, 414-496-2487

Bio-Analytical Technologies, 2356 North Lincoln Avenue, Chicago, IL 60614, 312-880-6900

The certification of this laboratory (Bio-Analytical Technologies, Chicago, IL) is suspended from conducting confirmatory testing of amphetamines. The laboratory continues to meet all requirements for HHS/NIDA certification for testing urine specimens for marijuana, cocaine, opiates and phencyclidine. For more information, see 55 FR 2183 (Jan. 22, 1991).

Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305-325-5810.

Center for Human Toxicology, 417 Wakara Way-Room 290, University Research Park, Salt Lake City, UT 84108, 801-581-5117.

Columbia Biomedical Laboratory, Inc., 4700 Forest Drive, Suite 200, Columbia, SC 29206, 800-848-4245 or 803-782-2700.

Clinical Pathology Facility, Inc., 711 Bingham Street, Pittsburgh, PA 15203, 412-488-7500.

Clinical Reference Laboratories, 11850 West 85th Street, Lenexa, KS 66214, 800-445-6917.

CompuChem Laboratories, Inc., 3308 Chapel Hill/Nelson Hwy., P.O. Box 12652, Research Triangle Park, NC 27709, 919-549-8263.

Damon Clinical Laboratories, 140 East Ryan Road, Oak Creek, WI 53154, 800-365-3840 (name changed: formerly Chem-Bio Corporation; CBC Clinilab).

Damon Clinical Laboratories, 8300 Esters Boulevard, Suite 900, Irving, TX 75063, 214-929-0535.

Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904-787-9006.

Drug Labs of Texas, 15201 I 10 East, Suite 125, Channelview, TX 77530, 713-457-3784.

DrugScan, Inc., P. O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310.

Eastern Laboratories, Ltd., 95 Seaview Boulevard, Port Washington, NY 11050, 516-625-9800.

ElSohly Laboratories, Inc., 1215-1/2 Jackson Avenue, Oxford, MS 38655, 601-236-2609.

Environmental Health Research & Testing, Inc., 1075 South 13th Street, Birmingham, AL 35205-9998, 205-934-0985.

General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608-267-6267.

Harris Medical Laboratory, P. O. Box 2981, 1401 Pennsylvania Avenue, Fort Worth, TX 76104, 817-878-5600.

HealthCare/Preferred Laboratories, 24451 Telegraph Road, Southfield, MI 48034, 800-225-9414 (outside MI)/800-328-4142 (MI only).

Laboratory of Pathology of Seattle, Inc., 1229 Madison Street, Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206-386-2672.

Laboratory Specialists, Inc., P. O. Box 4350, Woodland Hills, CA 91365, 818-718-0115/800-331-8670 (outside CA)/800-464-7081 (CA only) (name changed: formerly Abused Drug Laboratories).

Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504-392-7961.

Massey Analytical Laboratories, Inc., 2214 Main Street, Bridgeport, CT 06606, 203-334-6187.

Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 800-533-1710/507-284-3631.

Med Arts Lab, 5419 South Western, Oklahoma City, OK 73109, 800-251-0089.

Med-Chek Laboratories, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, 412-931-7200.

MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901-795-1515.

MedTox Laboratories, Inc., 402 W. County Road D, St Paul, MN 55112, 612-636-7466.

Mental Health Complex Laboratories, 9455 Watertown Plank Road, Milwaukee, WI 53226, 414-257-7439.

Methodist Medical Center, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 309-672-4928.

MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708-595-3888.

MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201-393-5000.

MetWest-BPL Toxicology Laboratory, 18700 Oxnard Street, Tarzana, CA 91356, 800-492-0600/818-343-8191.

National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 301-247-9100 (name changed: formerly Maryland Medical Laboratory, Inc.).

National Health Laboratories, Incorporated, 13900 Park Center Road, Herndon, VA 22071, 703-742-3100/800-572-3734 (inside VA)/800-336-0391 (outside VA).

National Health Laboratories Incorporated, 2540 Empire Drive, Winston-Salem, NC 27103-6710, 919-760-4620/800-334-8627 (outside NC)/800-642-0894 (NC only).

National Psychopharmacology Laboratory, Inc., 9320 Park W.

Boulevard, Knoxville, TN 37923, 800-251-9492.

National Toxicology Laboratories, Inc., 1100 California Avenue, Bakersfield, CA 93304, 805-322-4250.

Nichols Institute Substance Abuse Testing (NISAT), 8985 Balboa Avenue, San Diego, CA 92123, 800-446-4728/619-694-5050, (name changed: formerly Nichols Institute)

Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800-322-3361.

Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Avenue, Eugene, OR 97440-0972, 503-687-2134.

Parke DeWatt Laboratories, Division of Comprehensive Medical Systems, Inc., 1810 Frontage Rd., Northbrook, IL 60062, 708-480-4680.

Pathlab, Inc., 16 Concord, El Paso, TX 79906, 800-999-7284.

Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509-926-2400

PDLA, Inc., 100 Corporate Court, South Plainfield, NJ 07080, 201-769-8500.

PharmChem Laboratories, Inc., 1505-A O'Brien Drive, Menlo Park, CA 94025, 415-328-6200/800-446-5177.

Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619-279-2600.

Precision Analytical Laboratories, Inc., 13300 Blanco Road, Suite #150, San Antonio, TX 78216, 512-493-3211.

Regional Toxicology Services, 15305 N.E. 40th Street, Redmond, WA 98052, 206-882-3400.

Roche Biomedical Laboratories, 1801 First Avenue South, Birmingham, AL 35233, 205-581-3537.

Roche Biomedical Laboratories, 6370 Wilcox Road, Dublin, OH 43017, 614-889-1061.

The certification of this laboratory (Roche Biomedical Laboratories, Dublin, OH) is suspended from conducting confirmatory testing of amphetamines. The laboratory continues to meet all requirements for HHS/NIDA certification for testing urine specimens for marijuana, cocaine, opiates and phencyclidine. For more information, see 55 FR 50589 (Dec. 7, 1990).

Roche Biomedical Laboratories, Inc., 1912 Alexander Drive, P.O. Box 13973, Research Triangle Park, NC 27709, 919-361-7770.

Roche Biomedical Laboratories, Inc., 101 Inverness Drive East, Englewood, CO 80112, 303-792-2822.

Roche Biomedical Laboratories, Inc., 1 Roche Drive, Raritan, NJ 08869, 800-631-5250.

Roche Biomedical Laboratories, Inc., 1120 Stateline Road, Southaven, MS 38671, 601-342-1286.

S.E.D. Medical Laboratories, 500 Walter NE Suite 500, Albuquerque, NM 87102, 505-848-8800.

SmithKline Beecham Clinical Laboratories, 506 E. State Parkway, Schaumburg, IL 60173, 708-885-2010. (name changed: formerly International Toxicology Laboratories)

SmithKline Beecham Clinical Laboratories, 400 Egypt Road, Norristown, PA 19403, 800-523-5447, (name changed: formerly SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories, 3175 Presidential Drive, Atlanta, GA 30340, 404-934-9205 (name changed: formerly SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214-638-1301 (name changed: formerly SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91045, 818-376-2520.

South Bend Medical Foundation, Inc., 530 North Lafayette Boulevard, South Bend, IN 46601, 219-234-4176.

Southgate Medical Laboratory, Inc., 21100 Southgate Park Boulevard, Cleveland, OH 44137, 800-338-0166.

St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 North Lee Street, Oklahoma City, OK 73102, 405-272-7052.

St. Louis University Forensic Toxicology Laboratory, 3610 Rutgers Avenue, St. Louis, MO 63104, 314-577-8628.

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 314-882-1273.

Toxicology Testing Service, Inc., 5426 N.W. 79th Avenue, Miami, FL 33166, 305-593-2260.

Charles R. Schuster,  
Director, National Institute on Drug Abuse.  
[FR Doc. 91-7828 Filed 4-2-91; 8:45 am]

BILLING CODE 4160-20-M

## Food and Drug Administration

### Fenbendazole in Goats; Data; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the

availability of target animal safety and effectiveness and environmental data to be used in support of a new animal drug application (NADA) for use of fenbendazole suspension in goats. The data contained in Public Master File (PMF) 5118 were compiled under Interregional Research Project No. 4 (IR-4), a national agricultural program for obtaining clearances for use of agricultural products for minor or special uses.

**ADDRESSES:** Submit NADA's to Document Control Section (HFV-199), Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Naba K. Das, Center for Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

**SUPPLEMENTARY INFORMATION:** Fenbendazole drench for use in goats is a new animal drug use under section 201(w) of the Federal Food, Drug, and Cosmetic Act (the act), (21 U.S.C. 321(w)). As a new animal drug, fenbendazole suspension is subject to section 512 of the act (21 U.S.C. 360b) requiring that its use in goats be subject to an approved NADA or supplemental NADA. Goats are a minor species under 21 CFR 514.1(d). The IR-4 Project, Northcentral Region, Michigan State University, East Lansing, MI 48824, has provided data and information to demonstrate safety and effectiveness to the target animal for the use of fenbendazole drench in goats for the removal and control of stomach and intestinal worms, *Haemonchus contortus* and *Ostertagia circumcincta*.

The PMF contains data from adequate and well controlled effectiveness and target animal safety studies in goats, tissue residue data from a study in goats, and an environmental assessment of the proposed use. The data and information are contained in PMF 5118.

Sponsors of NADA's or supplemental NADA's may reference without further authorization the PMF to support approval of an application filed under 21 CFR 514.1(d). An NADA or supplemental NADA should include, in addition to a reference to the PMF, drug labeling and other information needed for approval, such as data concerning human food safety; data supporting extrapolation from major species to fulfill effectiveness requirements; manufacturing methods; facilities and controls; and information addressing the

potential environmental impacts of the manufacturing process. More information concerning the PMF or requirements for approval of an NADA may be obtained from the contact person identified above.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information in this PMF submitted to support approval of an application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Dated: March 28, 1991.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 91-7789 Filed 4-2-91; 8:45 am]

BILLING CODE 4160-01-M

## Public Health Service

### Statement of Organization, Functions and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (42 FR 61318, December 2, 1977, as amended in pertinent part at 48 FR 2447, January 19, 1983) is amended to retitle the Office of Planning and Evaluation as the Office of Health Planning and Evaluation within the Office of the Assistant Secretary for Health, and to revise the functional statement.

#### Office of the Assistant Secretary for Health

Under Part H, Chapter HA, Office of the Assistant Secretary for Health Section HA-10, Organization, amend the title of Number 13, to read, "Office of Health Planning and Evaluation (HA9)".

Under Section HA-20, Functions following the title and statement for the Office of Disease Prevention and Health Promotion (HA8), change the title for the Office of Planning and Evaluation (HA9) to Office of Health Planning and Evaluation (HA9), and delete, "The Deputy Assistant Secretary for Health Planning and Evaluation:" and insert "The director, Office of Health Planning and Evaluation:".

Dated: March 26, 1991.

James O. Mason,  
Assistant Secretary for Health.  
[FR Doc. 91-7757 Filed 4-2-91; 8:45 am]  
BILLING CODE 4160-17-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV020-4320-02]

#### Winnemucca District Grazing Advisory Board; Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Winnemucca District Grazing Advisory Board Meeting.

**SUMMARY:** Notice is hereby given in accordance with Public Law 94-579 and section 3, Executive Order 12548, February 14, 1986, that a meeting of the Winnemucca District Grazing Advisory Board will be held on May 14, 1991. The meeting will begin at 10 a.m. in the conference room of the Bureau of Land Management Office at 705 East Fourth Street, Winnemucca, NV 89445.

The agenda for the meeting will include:

1. Election of new officers—10 a.m.
2. Public Statement
3. District Manager's Update
4. Discussion of Multiple Use Decisions
5. Range Improvement Funds:
  - FY 91 Projects
  - FY 92 Projects
  - FY 93 Projects

The meeting is open to the public. Interested persons may make oral statements for the Board's consideration. Anyone wishing to make an oral statement should notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by May 1, 1991. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and available for the public inspection (during regular business hours) within 30 days following the meeting.

Ron Wenker,  
District Manager.  
[FR Doc. 91-7749 Filed 4-2-91; 8:45 a.m.]  
BILLING CODE 4310-HC-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-276 Enforcement Proceeding]

### Certain Erasable Programmable Read Only Memories, Components Thereof, Products Containing Such Memories, and Processes for Making Such Memories; Commission Decision Imposing Civil Penalty for Violation of a Cease and Desist Order

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Commission has determined that Atmel Corporation has violated the cease and desist order issued to it on March 16, 1989, and that the Commission has therefore determined to assess a civil penalty against Atmel Corporation in the amount of \$2,600,000.

**FOR FURTHER INFORMATION CONTACT:** Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1093.

**SUPPLEMENTARY INFORMATION:** The authority for the Commission's determination is contained in section 337(f)(2) of the Tariff Act of 1930 (19 U.S.C. 1337(f)(2)).

On March 16, 1989, the Commission issued its final determination in the above-captioned investigation. The Commission determined that there was a violation of section 337 in the unlicensed importation and sale of certain erasable programmable read only memories (EPROMs), and in particular certain EPROMs manufactured abroad for Atmel Corporation (Atmel), which infringe valid U.S. patents owned by complainant Intel Corp. (Intel). The Commission determined that a limited exclusion order and six cease and desist orders were the appropriate remedy. One of the cease and desist orders was issued to Atmel. The Commission's determination and orders became final for purposes of judicial review on May 22, 1989, the President having determined to take no action with respect to them.

On July 11, 1989, complainant Intel filed a request for a formal enforcement proceeding. Intel alleged that Atmel and Jack Peckham, Atmel's Vice President of Sales, had violated and were violating the limited exclusion order and the cease and desist order issued to Atmel at the conclusion of the investigation. Intel requested that the Commission presume that Atmel's EPROMs infringe

the patents at issue in the investigation; allow liberal third party discovery; impose civil penalties; modify the exclusion order issued at the conclusion of the investigation; and issue such further relief as the Commission deemed necessary and appropriate.

On August 3, 1989, the Commission docketed Intel's request, issued an order instituting a formal enforcement proceeding, and transmitted the request to Atmel and Jack Peckham (hereinafter respondents) for a response.

On August 16, 1989, a response to the request was filed on behalf of Atmel and Jack Peckham. On September 29, 1989, the Commission issued an order referring the enforcement proceeding to its Chief Administrative Law Judge for designation of a presiding administrative law judge (ALJ), the holding of an evidentiary hearing, and the issuance, within six months, of a recommended determination (RD) concerning the question of violation of the Commission's March 16, 1989, limited exclusion and cease and desist order.

The enforcement proceeding was originally assigned to Chief Judge Saxon, who had presided over the original investigation. Judge Saxon withdrew from this proceeding following a motion by Intel asking her to recuse herself from the proceeding for cause. Following reassignment of the proceeding to a new presiding (ALJ) (Judge Luckern), the deadline for issuance of the RD was extended to June 22, 1990.

On June 22, 1990, Judge Luckern issued his RD, recommending that the Commission find that enforcement respondent Atmel Corporation has violated the Commission's cease and desist order, and that a penalty of \$929,574.80 be assessed against Atmel.

In order to allow the parties to express their views concerning the RD prior to Commission disposition of the proceeding, the Commission provided the parties with the opportunity to file exceptions to the RD, and proposed alternative findings of fact and conclusions of law. Exceptions and proposed alternative findings of fact and conclusions of law were filed by all parties.

Having considered the RD, the exceptions thereto, and proposed alternative findings of fact and conclusions of law, as well as the entire record in this proceeding, the Commission determined that Atmel Corporation had violated the Commission's cease and desist order by selling infringing EPROMs between

March 16, 1989, and August 3, 1989. The Commission further determined that the imposition of a civil penalty in the amount of \$2,600,000 is appropriate. The Commission adopted the RD with respect to the ALJ's determinations concerning (a) the scope of the Commission's orders, (b) whether the sale of Atmel model 27C010 and 27HC641 EPROMs violated the Commission's orders, (c) whether Atmel's offers for sale of models 27C256, 27C0512, 27HC64, and 27HC256 EPROMs violated the Commission's orders, (d) whether Atmel's failure to report certain sales of infringing EPROMs violated the Commission's orders, and (f) whether civil penalties may be assessed for violations of the Commission's orders by offers to sell and failure to report sales of infringing EPROMs. The Commission declined to adopt the RD with respect to the ALJ's determination that civil penalties may not be assessed for violations of the Commission's orders occurring prior to May 22, 1989, and his recommendation that penalties be assessed for violations of the Commission's orders occurring after August 3, 1989. The Commission expects to issue an opinion concerning certain issues addressed in the RD shortly. The Commission also determined that it is appropriate to modify the cease and desist order issued to Atmel, as recommended by the ALJ, by deletion of the phrase "if any" from paragraphs (A), (B), and (C) of section V of the order, and the insertion, after paragraph (C) of section V of the order, of the following:

If no reportable importations, sales, or contracts to sell arise under paragraphs (A), (B), or (C) during any reporting period, Respondent, shall so certify in the required report.

Notice of the original investigation was published in the *Federal Register* of September 16, 1987 (52 FR 35004). Notice of the institution of a formal enforcement proceeding was published in the *Federal Register* of August 9, 1989 (54 FR 32700).

Copies of the Commission's Order, the nonconfidential version of the opinion to be issued, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington DC 20436, telephone 202-252-1000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the

Commission's TDD terminal on 202-252-1810.

Issued: March 28, 1991.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 91-7807 Filed 4-2-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-322]

**Certain Microporous Nylon Membrane and Products Containing Same; Decision Not To Review Initial Determination Terminating Investigation on the Basis of Settlement Agreement**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 5) issued on February 25, 1991, by the presiding administrative law judge (ALJ) in the above-captioned investigation terminating the investigation on the basis of a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Marc A. Bernstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1087.

**SUPPLEMENTARY INFORMATION:** The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) and §§ 210.51 and 210.53 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.51, 210.53).

On February 25, 1991, the ALJ issued an ID granting the joint motion of complainant Pall Corporation and respondents Enka A.G., Enka America, Inc., Meissner Filtration Products Co., Inc., and Meissner Manufacturing Co., Inc. to terminate the investigation on the basis of a settlement arbitration agreement. Notice of the ID was published in the *Federal Register*, and comments of interested persons were solicited. 56 FR 9370 (March 6, 1991). No petitions for review of the ID were filed and no government agencies or members of the public submitted comments.

Having examined the record in this investigation, including the ID, the

Commission has determined not to review the ID and to terminate the investigation. The Commission notes that the provision in the settlement arbitration agreement permitting the parties to request reinstatement of the investigation should the arbitration process fail to yield a result for unforeseen circumstances does not compel it to reinstate the investigation should such a petition be filed.

The record that the ALJ has certified to the Commission in conjunction with the ID includes an Administrative Protective Order (APO) (Order No. 2). The Commission expresses its concern with the provisions of Paragraphs 16 and 17 of the APO, which permit signatories to retain indefinitely any pleadings and briefs containing business proprietary information (BPI), as well as the confidential versions of notices, orders, recommendations, and determinations issued by the ALJ or the Commission. The Commission's long-standing practice has been to require parties to return or destroy all documents containing BPI at the end of an investigation, which occurs upon exhaustion of the appeals process. The Commission perceives no justification for modification of this practice and does not endorse APO provisions such as Paragraphs 16 and 17 that deviate from it. The Commission will not review this APO, however, because no materials in this investigation were produced pursuant to the APO. The Commission may review at the appropriate time APOs issued in other section 337 investigations that do not conform to its policies concerning return or destruction of documents upon conclusion of an investigation.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20435, telephone 202-252-1000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

Issued: March 27, 1991.

By order of the Commission.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 91-7806 Filed 4-2-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-325]

**Certain Static Random Access Memories and Integrated Circuit Devices Containing Same Processes for Making Same Components Thereof, and Products Containing Same; Designation of Additional Commission Investigative Attorney**

Notice is hereby given that, as of this date, James M. Gould, Esq., of the Office of Unfair Import Investigations is designated as the Commission investigative attorney in the above-cited investigation in addition to Thomas L. Jarvis, Esq.

The Secretary is requested to publish this Notice in the Federal Register.

Dated: March 26, 1991.

**Lynn I. Levine,**

Director, Office of Unfair Import Investigations, 500 E Street, SW., Washington, DC 20436.

[FR Doc. 91-7805 Filed 4-2-91; 8:45 am]

BILLING CODE 7020-02-M

**DEPARTMENT OF JUSTICE**

**Lodging of Consent Decree; Midwest Solvent Recovery, Inc.**

In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622(i), and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on March 22, 1991, a proposed consent decree between the United States and defendant Penn Central Corporation in *United States v. Midwest Solvent Recovery, Inc.*, Civil Action No. H-79-556 was lodged with the United States District Court for the Northern District of Indiana.

This action was brought against defendant Penn Central Corporation pursuant to CERCLA relating to an order of the United States Environmental Protection Agency ("EPA") for the cleanup of the Midco II CERCLA facility located at 5900 Industrial Highway in Gary, Indiana, and for the recovery of costs expended by the United States in connection with the facility. The consent decree is entered into between plaintiff, the United States, and defendant Penn Central Corporation, an owner of a portion of the Midco II facility.

The Decree is a proposed de minimis landowner settlement under section 122(g)(1)(B) of CERCLA, 42 U.S.C. 9622(g)(1)(B). The Decree requires defendant Penn Central Corporation to pay the United States \$1.15 million plus interest over a two-year period, to provide the United States with access to

its property, and not to interfere with remedial action at the Midco II facility.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530. All comments should refer to *United States v. Midwest Solvent Recovery, Inc.*, D.J. Ref. No. 90-7-1-1.

The proposed Consent Decree may be examined at the office of the United States Attorney, 507 State Street, Hammond, Indiana 46320, and at Region V Office of the U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604. Copies of the proposed consent decree may also be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, Telephone Number (202) 237-2072. Any request for a copy of the decree should be accompanied by a check in the amount of \$4.25 (17 pages at 25 cents per page reproduction costs) payable to the "Consent Decree Library."

**Richard B. Stewart,**

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-7744 Filed 4-2-91; 8:45 am]

BILLING CODE 4410-01-M

**Lodging of Consent Decree; Virgin Islands Water and Power Authority and Pressure Vessel Services**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 21, 1991, a proposed partial consent decree in *United States v. Virgin Islands Water and Power Authority and Pressure Vessel Services, Inc.* was lodged with the United States District Court for the District of the Virgin Islands. The proposed consent decree concerns a complaint filed by the United States alleging violations of the Clean Air Act and asbestos NESHAP by Pressure Vessel Services, Inc. ("PVS") and the Virgin Islands Water and Power Authority ("VIWAPA") resulting from PVS's demolition of a VIWAPA desalination plant. The proposed decree is partial because it settles only the claims against PVS.

The proposed decree, which has a term of 3 years, imposes specified notification, sampling, and record keeping requirements upon PVS for any future demolition and renovation

operations, and requires PVS to establish a program, including designation of an asbestos control officer, to assure future compliance with the decree and the asbestos NESHAP. The decree also requires PVS, a small company which is in Chapter 11 bankruptcy, to pay a civil penalty of \$7,500, and establishes stipulated civil penalties for violations of the consent decree and asbestos NESHAP.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Virgin Islands Water and Power Authority and Pressure Vessel Services, Inc.*, D.J. No. 90-5-2-1-1341.

The proposed consent decree may be examined at the Region II Office of the United States Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278, and also at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Office Building, NW., Washington, DC 20004 (202-347-2072). A copy of the decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Office Building, NW., Box 1097, Washington DC 20004. In requesting a copy, please enclose a check in the amount of \$4.00 (25 cents per page reproduction charge) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-7745 Filed 4-2-91; 8:45 am]

BILLING CODE 4410-01-M

#### Antitrust Division

##### National Cooperative Research Notification; 1990 Gulf of Mexico Consortium Study

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4031 *et seq.* ("the Act"), Marathon Oil Company filed written notifications simultaneously with the Attorney General and the Federal Trade Commission on March 12, 1991, disclosing (1) The identities of the parties to a joint research project titled the "1990 Gulf of Mexico Consortium Study" and (2) the nature and objective of the research project to be performed.

The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the project and its general areas of planned activity was given below.

Marathon Oil Company will act as Operator for the consortium. The parties to the 1990 Gulf of Mexico Consortium Study are:

Amoco Production Company, P.O. Box 3385, Tulsa, OK 74102.

ARCO Oil and Gas Company, Division of Atlantic Richfield Company, 2300 West Plano Parkway, Plano, TX 75075

BP Exploration, Inc., 5151 San Felipe, No. 1525, Houston, TX 77056

Chevron U.S.A. Inc., 935 Gravier Street, room 1553, New Orleans, LA 70112

Exxon Company, U.S.A., A Division of Exxon Corporation, P.O. Box 2189, Houston, TX 77252-2189

Marathon Oil Company, P.O. Box 269, Littleton, CO 80160-0269

Mobil Exploration and Producing U.S., Inc., P.O. Box 819407, Dallas, TX 75301

Elf Exploration, Inc., 1000 Louisiana, suite 3800, Houston, TX 77002

Texaco Producing, Inc., P.O. Box 60252, New Orleans, LA 70160

Union Pacific Resources Company, P.O. Box 7, Ft. Worth, TX 76101-0007.

Information regarding participation in this project may be obtained from Dr. John A. Davis, Jr., Director of the Petroleum Technology Center, Marathon Oil Company, P.O. Box 269, Littleton, Colorado 80160-0269.

The objective of the project is to compile and distribute to the participants a core and seismic study of the uppermost sea-floor sedimentary deposits in the Outer Continental Slope offshore Louisiana, Gulf of Mexico. The study will comprise (1) Compiling and evaluating available seismic and core data from the offshore Louisiana outer shelf/upper slope study area and (2) collecting and analyzing core taken from the uppermost sea-floor sediments of the outer shelf/upper slope offshore Louisiana. The work on this project will be conducted by the School of Geoscience, Louisiana State University. Participation in this project is open to all parties meeting the conditions of the program agreement. The project commenced on June 22, 1990, and will last until all project work is completed, until the project is otherwise terminated,

or until December 31, 1991, whichever occurs first.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-7747 Filed 4-2-91; 8:45 am]

BILLING CODE 4410-01-M

##### National Cooperative Research Notification; Appliance Industry—Government CFC Replacement Consortium, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Appliance Industry-Government CFC Replacement Consortium, Inc. ("The Corporation"), filed a written notification simultaneously with the Attorney General and the Federal Trade Commission on March 1, 1991 concerning the addition and termination of certain participants of the Corporation. The written notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following have become additional participants of the Corporation: The Electrical Power Research Institute, P.O. Box 1412, Palo Alto, CA 94303 (effective June 13, 1990); Allied-Signal Inc., Buffalo Research Laboratory, 20 Peabody Street, Buffalo, NY 14210 (effective June 25, 1990); Dow Chemical Company, 433 Building, Midland, MI 48667 (effective July 30, 1990); The B.F. Goodrich Company, Geon Vinyl Division, Moore & Walker Roads, P.O. Box 122, Bld. 418, Avon Lake Technical Center, Avon Lake, OH 44012 (effective August 31, 1990).

The following have terminated their participation in the Corporation: Georgia Gulf Corporation, PVC Division Headquarters, Evergreen Road, P.O. Box 629, Plaquemine, LA 70765-0629 (effective November 7, 1990); Olin Urethane Systems, 5 Science Park North, P.O. Box 30-275, New Haven, CT 06511 (effective January 10, 1991).

No other changes have been made in either the membership or planned activity of the Corporation.

On September 19, 1989, the Corporation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the *Federal Register* pursuant to section 6(b) of the Act on November 1, 1989, 54 FR 46136. On June 4, 1990 and September 10, 1990, the Corporation filed notifications concerning the identities of additional members and parties pursuant to section 6(a) of the

Act. The Department of Justice published notices concerning the identities of additional members and parties in the Federal Register pursuant to section 6(b) of the Act on July 19, 1990 (55 FR 29432) and October 18, 1990 (55 FR 42281.)

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-7746 Filed 4-2-91; 8:45 am]

BILLING CODE 4410-01-M

#### National Cooperative Research Notification; OSI/Network Management Forum

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), OSI/Network Management Forum ("the Forum") on February 27, 1991, filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing additions to its membership. The additional notification was filed for the purpose of extending the protections of section 4 of the Act, limiting recovery of antitrust plaintiffs to actual damages under specific circumstances.

On October 21, 1988, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on December 8, 1988 (53 FR 49615). On December 23, 1988, March 23, 1989, July 3, 1989, September 28, 1989, November 22, 1989, January 29, 1990, March 20, 1990, May 7, 1990, and July 20, 1990, the Forum filed additional written notifications pursuant to section 6(a) of the Act. The Department published notices in the Federal Register pursuant to section 6(b) on January 26, 1989 (54 FR 3870), April 25, 1989 (54 FR 17834), August 4, 1989 (54 FR 32141), October 26, 1989 (54 FR 43631), January 10, 1990 (55 FR 926), February 28, 1990 (55 FR 7046), April 23, 1990 (55 FR 15295), May 24, 1990 (55 FR 21449), and August 20, 1990 (55 FR 33967), respectively.

The identities of the additional parties to the venture are given below:

#### Associate Members

Verdonck, Klooster & Associates BV,  
P.O. Box 7360, AJ Zoetermeer 2701,  
The Netherlands

Universal Data Systems, 5000 Bradford  
Drive, Huntsville, AL 35805

Toshiba Corporation, Komukai-Toshiba-  
cho, Sawai-ku, Kawasaki, Japan

Siemens Telecomunicazioni SPA,  
Viale Europa 46, Cologno M. MI.—I  
20093, Italy

OTC Limited, 231 Elizabeth Street,  
Sydney 2000, Australia

NKK Corporation, Electronics Division,  
Hitotsubashi Building, 2-6-3  
Hitotsubashi Chiyoda-ku, Tokyo 101,  
Japan

Dantel A/S, Lautrupvang 1, Ballerup  
DK-2750, Denmark

BICC Data Networks Limited, Brindley  
Way, London Road, Hemel

Hempstead, Herts HP3 9XJ, England  
Telefonica Investigacion Y Desarrollo,  
Calle Emilio Vargas, 6, Madrid 28043,  
Spain

Telefonica De Espana, S.A., Beatriz de  
Bobadilla, 3, Madrid 28040, Spain

Anderson Consulting, 2 Arundel Street,  
London WC2R 3LT, England

Electricite De France, 6, quai watier—BP  
49, Chatou Cedex 78401, France.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-7748 Filed 4-2-91; 8:45 am]

BILLING CODE 4410-01-M

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-263]

#### Northern States Power Co.; Monticello Nuclear Generating Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.54(o), appendix J to the Northern States Power Company (the Licensee) for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota.

#### Environmental Assessment

##### Identification of Proposed Action

The licensee would be exempted from the requirement of appendix J to 10 CFR part 50 to the extent that a leakage rate test would not be performed on the welds of two containment modifications being performed during the Cycle 14 refueling outage. The containment modifications involve the installation of gate valves in the High Pressure Coolant Injection System (HPCI) and Reactor Core Isolation Cooling (RCIC) turbine steam exhaust lines. One such exhaust line leads from each turbine to the suppression pool (torus). Each line presently contains two swing check valves which serve as containment isolation valves. The modifications consist of installing a gate valve between the swing check valve pair and the torus penetration in each turbine exhaust line. The purpose of the gate

valves is to facilitate maintenance and testing. The gate valves will have drilled disks to ensure that their packing glands are included within the test boundary of local leak rate tests performed on the swing check isolation valves.

#### The Need for the Proposed Action

The installation of each gate valve constitutes a "containment modification" subject to the requirements of appendix J, section IV.A, which states "Any major modification, replacement of a component which is part of the primary reactor containment boundary, or resealing a seal-welded door, performed after the preoperational leakage rate test shall be followed by either a Type A, Type B, or Type C test, as applicable for the area affected by the modification." The two new gate valves, by virtue of their location in the steam exhaust lines between the primary containment and primary containment isolation valves, constitute part of the containment boundary. Accordingly, Appendix J requires that the new gate valves be leakage rate tested following installation. The valve bonnets, packing glands, and turbine-side butt weld pipe attachment joints will be Type C tested following installation. However, for the torus-side butt weld pipe attachment joints, Type C testing is impractical due to lack of a means to apply a test pressure. Type A testing is not practical following the modification due to the fact that plans for such a test are not scheduled or otherwise required for the Cycle 14 outage. In lieu of a Type A test, the licensee has proposed 100 percent radiography of the affected weld as well as dye penetrant or magnetic particle testing. This will ensure that the intent of the Appendix J requirement, cited above, is met.

#### Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed exemption. The alternative testing proposed by the licensee will assure that containment integrity is maintained and will provide improved testing capability for other components. Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident, no changes are being made in the types of any effluents that may be released offsite, or significantly increase the individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed exemption involves a change in the installation or use of a facility component located within the restricted area as defined in 10 CFR part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

#### *Alternative to the Proposed Action*

The Commission has concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operation and would result in significant impact to length of outage and critical path activities.

#### *Alternative Use of Resources*

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation, which have been previously considered by the Commission in the Final Environmental Statement dated November 22, 1972.

#### *Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult with other agencies or persons.

#### **Finding of No Significant Impact**

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the request for exemption dated February 26, 1991, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC., and at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota, 55401.

Dated at Rockville, Maryland, this 26th day of March 1991.

For the Nuclear Regulatory Commission.  
**L.B. Marsh,**  
*Director, Project Directorate III-1, Division of Reactor Projects, III/IV/V, Office of Nuclear Reactor Regulation.*  
 [FR Doc. 91-7811 Filed 4-2-91; 8:45 am]  
**BILLING CODE 7590-01-M**

#### **Meeting To Review Scaling Analysis for DCH**

March 26, 1991.

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The SNL scaling analyses review group will meet to review the technical adequacy of the scaling rationale for DCH tests.

**DATES:** April 10-11, 1991.

**TIME:** 8:30 am.

**ADDRESSES:** Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** F. Eltawila, Office of Nuclear Regulatory, Research, U.S. Nuclear Regulatory, Commission, Washington, DC. 20555.

The purpose of the meeting is:

1. For SNL to present its rationale for developing the scaling groups used to define conditions for integral experiments at SNL and ANL.
2. For SNL to identify the initial and boundary conditions for NPP, and to present results of applying the scaling groups to the test facilities at SNL and ANL.
3. To discuss a procedure to assess the adequacy of the scaling groups selected by comparing the experimental results to be obtained from SNL and ANL facilities.
4. For SNL to respond to specific questions of the reviewers.

Dated at Rockville, Maryland, this 26 day of March, 1991.

For the U.S. Nuclear Regulatory Commission.

**F. Eltawila,**  
*Chief Accident Evaluation Branch, Division of Systems Research, Office of Nuclear Regulatory Research.*

[FR Doc. 91-7813 Filed 3-29-91; 11:58 am]

**BILLING CODE 7590-01-M**

#### **Advisory Committee on Reactor Safeguards; Revised Meeting Agenda**

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on April

11-13, 1991, in room P-110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the Federal Register on March 28, 1991 (56 FR 12960). Portions of the prior notice are being revised to provide for Committee action consistent with final Nuclear Regulatory Commission action expected to occur during April 1991.

**Thursday, April 11, 1991, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.**

No change.

**Friday, April 12, 1991, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.**

**8:30 a.m.-9:45 a.m.: Generic Issue 130, Essential Service Water System Failures at Multi-Unit Sites (Open)**—The Committee will review and report on the proposed resolution of this generic issue. Representatives of the NRC staff will participate, as appropriate.

**10 a.m.-11 a.m.: Risk-Based Performance Indicators (Open)**—A briefing and discussion will be held regarding the status of the research to evaluate performance indicators of safety-system availability. Representatives of the NRC staff will participate, as appropriate.

**11 a.m.-12 Noon: Certification Issues for LWRs (Open)**—The Committee will review and comment on proposed regulatory requirements related to proposed EPRI requirements for evolutionary light-water reactor power plants. (New Item)

**1 p.m.-3 p.m.: Containment Design Criteria for Severe Accidents (Open)**—The members will continue discussion of the proposed ACRS report to the NRC regarding containment design criteria for future light-water reactor plants to deal with severe accidents.

**3 p.m.-4:30 p.m.: Analysis and Evaluation of Operational Data (Open)**—A briefing and discussion will be held regarding evaluation of the human performance aspects of several abnormal occurrences and events at nuclear power plants. Representatives of the NRC staff and licensees will participate, as appropriate.

**4:30 p.m.-5:30 p.m.: Future ACRS Activities (Open)**—The members will discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee. (New Item)

**5:30 p.m.-6:30 p.m.: Procedures and Practices (Open)**—The Committee will discuss proposed revision of ACRS Bylaws.

Saturday, April 13, 1991, Room P-110,  
7920 Norfolk Avenue, Bethesda,  
Maryland

**8:30 a.m.—12 Noon: Preparation of ACRS Reports (Open)** The members will discuss reports to the NRC regarding items considered during this meeting and hold a discussion of items that were not completed at previous meetings as time and availability of information permit.

**1 p.m.—1:45 p.m.: Appointment of ACRS Members (Closed)**—The Committee will discuss the qualifications of candidates nominated for appointment to the Committee.

This session will be closed to discuss information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**1:45 p.m.—2:30 p.m.: ACRS Subcommittee Activities (Open)**—The members will hear and discuss reports regarding the status of assigned subcommittee activities. (Moved from agenda for Friday, April 12, 1991)

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 2, 1990 (55 FR 40249). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those open portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Public Law 92-463 that it is necessary to close portions of this meeting noted above to discuss information the release of which would

represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492-8049), between 8 a.m. and 4:30 p.m.

Dated: March 29, 1991.

John C. Hoyle,  
Advisory Committee Management Officer.  
[FR Doc. 91-7809 Filed 4-2-91; 8:45 am]  
BILLING CODE 7590-01-M

### Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 11, 1991 through March 22, 1991. The last biweekly notice was published on March 20, 1991 (56 FR 11788).

#### Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 3, 1991 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of

the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (Project Director): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the

General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

**Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland**

*Date of amendments request:* March 7, 1991

*Description of amendments request:* The proposed changes to the Technical Specifications (TSs) for Unit 2 require that the Safety Injection Tanks (SITs) be operable throughout MODE 3, revise the supporting surveillance requirements for both Units 1 and 2 to be consistent with the revised Mode operability (Unit 1 TSs already include the Mode 3 operability requirement), and includes editorial changes which modify the titles of TSs to more accurately reflect their applicability. The Index and Bases Sections are also revised to reflect the changes.

Previous TS changes have imposed restrictions on high pressure safety injection (HPSI) pumps when operating in MODE 3. The operability of the SITs through the entire mode is necessary to assure mitigation of a loss of coolant accident (LOCA) due to the restrictions placed on the HPSI pumps. This operability requirement, as noted, has been previously approved for Unit 1. The requirement to perform surveillances on the SITs within 4 hours prior to entering MODE 3 will provide assurance that the SITs will be operable throughout the entire mode for both units.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change to the method of operation will increase the availability of the SITs to assure sufficient water is available to provide cooling in the event of a LOCA during the applicable reduced pressure and temperature operating conditions. An evaluation was performed which concludes that the applicable consequences of the LOCA events described in the FSAR bound the results for LOCA events occurring under the subject conditions. This change does not involve equipment which was considered as an initiator for a previously evaluated accident. Also, the administrative title changes will have no effect on the safety analyses or the limiting conditions for operation. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Would not create the possibility of a new or different type of accident from any accident previously evaluated.

This change to the administrative control will potentially impact the loss of coolant event mitigation features, but no changes are being made in the plant hardware, and the change, therefore, does not introduce any new accident initiators. Also, the administrative title changes will have no effect on the safety analyses or the limiting conditions for operation. Therefore, the change does not create the possibility of a new or different type of accident from any accident previously evaluated.

(3) Would not involve a significant reduction in a margin of safety.

This change to the method of operation assures that sufficient cooling water is available to mitigate a LOCA. An evaluation was performed which concludes that the results of the LOCA events described in the FSAR bound the results for LOCA events occurring under the subject conditions (MODE 3 LOCA with  $T_{RCS}$  less than 350° F). No changes are being made in the plant hardware considered in this analysis. Also, the administrative title changes will have no effect on the safety analyses or the limiting conditions for operation. Therefore, the change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

*Local Public Document Room location:* Calvert County Library, Prince Frederick, Maryland.

*Attorney for licensee:* Jay E. Silbert, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC, 20037.

*NRC Project Director:* Robert A. Capra

**Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina**

*Date of amendments request:* February 11, 1991.

*Description of amendments request:* The proposed change to the Brunswick Steam Electric Plant, Units 1 and 2. (Brunswick), Technical Specifications would (1) change Technical Specification 6.2.2 to require the Manager - Operations to hold or have held a senior reactor operators (SRO) license; (2) give a one-time exception to the requirement for the Manager - Operations to hold or have held a senior reactor operator license, and Technical Specification Table 6.2.1-1, Minimum Facility Shift Crew Composition, would be revised to reflect the consolidation of the Shift Operating Supervisor and Shift Foreman positions as a single SRO entry in the table; and (3) revise Technical Specifications 6.2.2.d and 6.2.4.a to reflect the addition of an Operation Manager position for each unit and the elimination of the Shift Operating Supervisor's position.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

*Proposed Change 1*

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The total number of senior reactor operator licensed personnel on shift remains unchanged. The change to the supervisor for the Shift Technical Advisors is also administrative in nature. The proposed changes do not physically alter the facility in any manner and, as such, do not affect the means in which any safety-related system performs its intended safety function.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated in item 1 above, the proposed changes do not involve physical alterations of the plant configuration or changes in setpoints or operating parameters. The proposed change to the Shift Technical Advisors' advisory capacity and the change to the shift staffing table are administrative in nature.

3. The proposed amendment does not involve a significant reduction in the margin of safety. As indicated above, the total number of senior reactor operator licensed personnel on shift remains unchanged. In addition, the change to the advisory capacity for the Shift Technical Advisors is also administrative in nature. The changes to the Operations organization, as reflected in the proposed change in the shift staffing table and the Shift Technical Advisors' advisory

capacity, will enhance the overall effectiveness of the Operations and will serve to improve nuclear safety. Therefore, the margin of safety is not significantly reduced by the proposed changes.

*Proposed Change 2*

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change to allow the Manager - Operations to hold or have held a senior reactor operator license does not directly affect plant operations. The proposed change does not physically alter the facility in any manner and, as such, does not affect the means in which any safety-related system performs its intended safety function.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated in Item 1, the proposed change does not involve physical alterations of the plant configuration or changes in setpoints or operating parameters and, therefore, no possibility of creating a new or different kind of accident.

3. The proposed amendment does not involve a significant reduction in the margin of safety. Requiring the Manager - Operations to hold a senior reactor operators license or to have held a senior reactor operators license ensures that candidates for the position have the background and knowledge of nuclear power plant operations necessary to perform these duties. However, the proposed change to allow the Manager - Operations to have held a senior reactor operator license on the Brunswick Plant or similar facility will alleviate some of the training burden for this individual. Alleviating the time the Manager - Operations is currently required to spend in classroom and simulator requalification and preparation for NRC testing required to maintain a senior reactor operator license will allow him to dedicate that time to the performance of his intended duties, thereby enhancing overall nuclear safety and, therefore, increasing the margin of safety.

*Proposed Change 3*

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. Exemption of the requirement for the Manager - Operations to hold or have held a senior reactor operator license during the 18 month period following issuance of the proposed license amendment does not directly affect plant operations. The Manager - Operations does not manipulate the controls of the facility. The Operations Managers and Shift Foremen for each unit are responsible for assuring the safe, efficient, and reliable operation of each Brunswick unit. The proposed change meets the requirement of 10 CFR 50.54(l) that senior reactor operators be responsible for directing licensed activities of licensed operators.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated in Item 1, the proposed change does not involve physical alterations of the plant configuration or changes in setpoints or operating parameters and,

therefore, no possibility of creating a new or different kind of accident. [is created].

3. The proposed amendment does not involve a significant reduction in the margin of safety. During the 18 month period following issuance of the proposed license amendment that the Manager - Operations is exempted from the requirement to hold or have held a senior reactor operator license, licensed operators will continue to operate the Brunswick Plant under the supervision of the Shift Foreman and Operations Manager for each unit, each of whom are required to hold a senior reactor operators license. The senior reactor operators license is not needed for the Manager - Operations since he does not and will not manipulate the controls of the Brunswick units; reactor operations will continue to be supervised by senior reactor operator licensed personnel. These considerations demonstrate that there is not a significant reduction in the margin of safety associated with the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

*Attorney for licensee:* R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

*NRC Project Director:* Elinor G. Adensam

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

*Date of application for amendments:* January 26, 1990

*Description of amendments request:* The proposed amendment would revise the Action statement for Technical Specification 3.1.3.1, Moveable Control Assemblies and the associated Bases Section. The revision adds an Action statement to address the condition when more than one full-length control rod is inoperable but still capable of insertion into the core upon receipt of a reactor trip signal. The associated Bases Section is, therefore, expanded to cover this new Action statement.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has

reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below. The proposed amendment involves several changes as follows:

1. Delete Action Statement b in Technical Specification 3.1.3.1 and add an Action Statement such that with more than one full-length control rod trippable but inoperable, or misaligned from its group step counter demand height by more than  $\pm 12$  steps, the power operation may continue only if: (1) the remainder of the rods in the group(s) with the inoperable rods are aligned to within  $\pm 12$  steps in 1 hour, and (2) the inoperable rods are restored to operable status within 72 hours. Otherwise, the unit should be in Hot Standby in 6 hours.

2. The associated Bases Section is expanded to provide a distinction in the reasons for the technical specifications for single inoperable or misaligned, but trippable rod and those for the multiple inoperable or misaligned, but trippable rods. The Bases Section also dictates that it is incumbent on the plant to confirm trippability of the inoperable rod(s) and to take actions if trippability is not confirmed.

The following analysis of the proposed changes for the evaluation of no significant hazards consideration is in accordance with the standards set forth in 10 CFR 50.92(c).

1. *Involve a significant increase in the probability or consequences of an accident previously evaluated*

The proposed amendment changes do not affect the safety function of the shutdown and control rods. The design of the Control Rod Drive System (CRDS) assures isolation of essential elements of the CRDS (those required to ensure reactor trip) from the control function portion of the CRDS. In the proposed revision to Action statement (c), the inoperable rods must be trippable for continued operation to be permitted for an additional 72 hours. If the rods are not verified to be trippable, the unit must be in Hot Standby in 6 hours. This requirement remains consistent with the current Technical Specifications.

The proposed changes must also be evaluated relative to possible rod misalignment, rod ejection and dropped rod scenarios. These proposed changes do not affect the rod sequence, insertion and power limits currently included in the Technical Specifications which ensures the core design limits are not exceeded and rod location is consistent with assumptions in the accident analyses. Maximum control rod misalignment directly affects core power distributions and assumptions of available shutdown margin and it is

assumed as an initial condition in several accident analyses. However, this proposed amendment does not alter the allowed maximum rod misalignment of  $\pm 12$  steps and, therefore, there is no impact on any accident analysis assumptions.

Since the proposed changes do not affect the initiating event of any accident and the safety function (reactor trip) of the CRDS is not affected by the revised Action statement (c) with multiple inoperable or misaligned, but trippable rods, the proposed amendment changes would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. *Create the possibility of a new or different kind of accident from any accident previously evaluated*

The proposed amendment changes do not involve any physical changes to the rod control system or the reactor trip system. In addition, none of the operational limits such as bank overlap, rod insertion and rod alignment are being revised. There are no new failure modes or mechanisms associated with the proposed changes. The capability of the rods to shut down the plant is not affected by the proposed change and the initiating assumption and results of the accident analyses are not impacted. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. *Involve a significant reduction in a margin of safety*

Since the design of the CRDS assures that the essential elements of the CRDS (those required for reactor trip) are isolated from the control function portion of the CRDS, the proposed changes do not affect the safety function of the CRDS. With multiple rods inoperable or misaligned, but trippable, the CRDS can still perform their intended safety function. Allowing the 72-hour interval, while power operation may continue and diagnosing and repairing of the malfunctioned CRDS take place, can avert an unnecessary transient on the plant that would otherwise be required by the shutdown. If the multiple rods are inoperable and can not be verified to be trippable, the unit must be in Hot Standby in 6 hours. Therefore, the proposed changes do not involve a significant reduction a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

**Local Public Document Room**

location: For Byron, the Byron Public Library, 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney to licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Richard J. Barrett

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: February 28, 1991

Description of amendment request: The proposed amendment establishes periodic operability testing of the steam generator overflow protection system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes consist of new technical specifications that add the periodic operability testing requirement of the steam generator overflow protection system. Adding the feedwater isolation function to the tables for ESFAS operability and surveillance requirements will enhance the reliability of the overflow protection system.

No design basis accidents are affected by this change. Therefore, there is no impact on the probability of occurrence or the consequences of any design basis events. No safety systems are adversely affected by the change.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not created. There is no impact on plant response to the point where it can be considered a new accident, and no new failure modes are introduced.

3. Involve a significant reduction in margin of safety.

The proposed changes provide new specifications for an existing system. The proposed requirements do not have any adverse impact on the protective boundaries. Since the proposed changes also do not affect the consequences of any accident previously analyzed, there is no reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the

amendment request involves no significant hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: March 7, 1991

Description of amendment request: The proposed amendment would modify Technical Specification Section 3.1.A.1 (Reactor Coolant Pump), Section 3.1.A.4 (Overpressure Protection System), Section 3.1.B (Heatup and Cooledown), Section 3.1.C (Minimum Conditions for Criticality), Section 3.2.D (CVCS), Section 3.3.A.3 (Safety Injection), and Section 4.3 (Reactor Coolant System Integrity Testing). These changes would incorporate revised pressure-temperature limits and Overpressure Protection System (OPS) parameters in accordance with the methodology of Regulatory Guide (RG) 1.99, Revision 2, "Radiation Embrittlement of Reactor Vessel Material," to predict the effect of neutron radiation on reactor vessel materials. Also, Section 3.1.C is being amended to replace pressure-temperature requirements on the reactor coolant system when the reactor is critical, with a fixed temperature limit.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below: Consistent with the requirements of 10 CFR 50.92, the enclosed application involves no significant hazards based on the following information:

1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

Neither the probability nor the consequences of an accident previously analyzed is increased due to the proposed changes. The adjusted reference temperature of the most limiting beltline material was used to correct the pressure-temperature (P-T) curves to account for irradiation effects. Thus, the operating limits are adjusted to incorporate both the initial fracture toughness conservatism present when the reactor vessel was new and the effect of fluence. The adjusted reference temperature calculations were performed utilizing the guidance contained in RG 1.99, Revision 2.

Overpressure Protection System (OPS)

Curves and Tables were regenerated to be consistent with the new P-T curves. The updated curves provide assurance that brittle fracture of the reactor vessel is prevented.

Removal of the pressure-temperature limits for criticality does not increase the consequences or probability of any accident because these limits are conservatively encompassed and are bounded by the requirements of the proposed new specification 3.1.C.2.

2) Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response:

The updated P-T and OPS limits will not create the possibility of a new or different kind of accident. The revised operating limits merely update the existing limits by taking into account the effects of radiation embrittlement, utilizing criteria defined in RG 1.99, Revision 2. The updated curves are conservatively adjusted to account for the effect of irradiation on the limiting reactor vessel material.

No change is being made to the way the pressure-temperature limits provide plant protection. No new modes of operation are involved. Incorporating this amendment does not necessitate physical alteration of the plant.

3) Does the proposed amendment involve a significant reduction in the margin of safety?

Response:

The proposed amendment does not involve a significant reduction in the margin of safety. The pressure-temperature operating limits and OPS setpoints are designed to maintain an appropriate margin of safety. The required margin is specified in ASME [American Society of Mechanical Engineers] Boiler and Pressure Vessel Code, Section III, Appendix G, and 10 CFR [Part] 50, Appendix G. The revised curves are based on the latest NRC guidelines along with actual neutron fluence data for the reactor vessel. The new limits retain a margin of safety equivalent to the original margin when the vessel was new and the fracture toughness was slightly greater. The new operating limits account for irradiation embrittlement effects, thereby maintaining a conservative margin of safety.

The removal of the pressure-temperature limits for criticality does not reduce the plant safety margin because these limits are conservatively encompassed and bounded by the requirements of the proposed Specification 3.1.C.2.

The incorporation of these changes: a) will not increase the probability or the consequences of an accident or malfunction of equipment important to safety as previously evaluated in the Safety Analysis Report; b) will not create the possibility for an accident or malfunction of a new or different kind from any evaluated previously in the Safety Analysis Report; c) will not reduce the margin of safety as defined in the bases for any Technical Specification; d) does not constitute an unreviewed safety question; and e) involves no significant hazards considerations as defined in 10 CFR 50.92.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

*Attorney for licensee:* Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

*NRC Project Director:* Robert A. Capra

**Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan**

*Date of amendment request:* August 1, 1990

*Description of amendment request:* The proposed amendment provides revised Emergency Core Cooling System (ECCS) response time requirements for the low pressure coolant injection (LPCI) mode of the Residual Heat Removal system.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The proposed change to the Response Time criteria of Technical Specification Table 3.3.3-3 for the Low Pressure Coolant Injection (LPCI) of the Residual Heat Removal (RHR) System does not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The maximum Peak Cladding Temperature (PCT) for cases where the LPCI mode of RHR responds when calculated using an ECCS Evaluation Model in accordance with Appendix K of 10CFR50 increases from less than 1800° F to less than 1900° F. The most limiting PCT of 2084° F remains unchanged since the most limiting case remains one where the LPCI mode is assumed to completely fail. Since adequate margin to the 10CFR50.46(b) (1) PCT acceptance criteria of 2200° F exists and the results regarding the remaining criteria of 10CFR50.46(b) are unchanged, the consequences of previously evaluated accidents are not significantly increased. The change does not affect the manner of plant operation or involve a plant modification and therefore does not affect the probability of any previously evaluated accident.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not alter the manner of plant operation or involve a plant modification. Rather, the change reflects a reevaluation of the plant ECCS performance using a revised response time for the LPCI mode of RHR. Therefore, the change involves no new accident modes.

(3) Involve a significant reduction in a margin of safety. Since the most limiting PCT

remains unchanged, the proposal does not involve a reduction in the margin of safety. Additionally, the proposed change does not alter the manner of plant operation or involve a physical modification to the plant.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

*Attorney for licensee:* John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

*NRC Project Director:* L. B. Marsh.

**Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan**

*Date of amendment request:* August 20, 1990

*Description of amendment request:* The proposed amendment would extend surveillance intervals and allow out-of-service time for instrumentation associated with the reactor protection system, emergency core cooling system, control rod block function, and isolation function.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The proposed change extends Surveillance Test Intervals (STIs) and Allowable Out-of-Service Times (AOTs) for instrumentation which have been justified using probabilistic analytical methods. The affected instrumentation is associated with the Reactor Protection System (RPS), Emergency Core Cooling System (ECCS), Control Rod Block function, and Isolation function. The changes have been the subject of generic Licensing Topical Reports (LTRs) which have received NRC review and approval. The changes also include an administrative change to the nomenclature for an RPS instrumentation functional unit, and a clarification that certain channel functional tests include a verification of the trip setpoint of the trip unit.

The proposed changes do not:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes do not affect the response of the plant to any accident and therefore do not change the consequences of any previously evaluated accident. The changes have been evaluated generically in the associated LTRs (which have been evaluated and found to be applicable to Fermi 2) to have an insignificant impact on the probability of instrumentation failure. Further, given the resulting reduction in test-related plant scrams and test-induced

wearout of equipment, the net effect of these channels is to decrease the probability of an accident initiating event.

The administrative changes regarding RPS nomenclature and the clarifications regarding functional testing do not in any way change the manner of plant operation or testing. They, therefore, do not affect the probability or consequences of any previously evaluated accident.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

None of the proposed changes result in any physical or functional changes to the affected instrumentation. The changes, therefore, cannot create the possibility of a new or different kind of accident.

3) Involve a significant reduction in a margin of safety.

The changes represent the results of evaluations to establish STIs and AOTs consistent with overall high availability of the associated systems. The changes result in insignificant changes in the probability of instrumentation failure while reducing the probability of test-induced plant transients and equipment failure. The net result is an overall increase in the margin of safety.

The administrative changes and clarifications for the RPS and the RBM represent an increase in the margin of safety since the modified requirements are less likely to be inappropriately applied.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

*Attorney for licensee:* John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

*NRC Project Director:* L. B. Marsh.

**Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas**

*Date of amendment request:* February 20, 1991

*Description of amendment request:* The proposed change lowers the pressure range at which the automatic isolation of the decay heat removal system from the reactor coolant system is verified, and clarifies the frequency of this surveillance from once every 18 months to once every refueling outage.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

**Criterion 1 - Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.**

The purpose of this interlock is to protect the low pressure piping of the decay heat removal system from pressure greater than design. This change to the specification ensures the design function of the Automatic Closure Interlock is maintained. The change to the test frequency is essentially the same frequency since ANO-1 is on an eighteen month fuel cycle. The test is to be performed at a more conservative value. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

**Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.**

This change provides for a correction to the surveillance requirement to allow testing as intended. The frequency of the testing is still essentially the same. The design of the Automatic Closure Interlock to protect the low pressure piping from an overpressure condition is not changed by this Technical Specification change. Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

**Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety.**

With this change the requirement to perform the test once per refueling frequency is still being maintained. This change merely provides wording that is clear to enhance interpretation of the requirement. The test is to be performed at a value less than piping design pressure. Therefore, no significant reduction in the Margin of Safety is incurred.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

**Local Public Document Room location:** Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

**Attorney for licensee:** Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

**NRC Project Director:** Theodore R. Quay

**Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi**

**Date of amendment request:** March 15, 1991

**Description of amendment request:** The amendment would change the Technical Specifications Section 6.0 "Administrative Controls" to reflect a position title change from "GGNS General Manager" to "General Manager, Plant Operations."

**Basis for proposed no significant hazards consideration determination:**

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. No significant increase in the probability or consequences of an accident previously evaluated results from this change.

a. The proposed change to the Administrative Controls section involves only the assignment of a new title to a nuclear manager. The scope of all responsibilities remains unchanged; that is, no responsibilities have been deleted and none have been added. Since the change is administrative, there is no alteration to the existing facility or its operation.

b. Therefore, the probability or consequences of previously analyzed accidents are not significantly increased.

2. The change would not create the possibility of a new or different kind of accident from any previously analyzed.

a. As previously stated, the proposed change affects the assignment of a position title only. This change does not affect plant configuration nor its operation.

b. Therefore, operating the plant with the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. This change would not involve a significant reduction in the margin of safety.

a. Safety margin is established through the GGNS safety analyses as reflected in the TS, Limiting Conditions for Operations, and the Bases. The proposed change preserves all assumptions and results of the safety analyses.

b. The nature of the change is purely administrative, represents a change in nomenclature, and does not introduce to or delete from the TS any responsibilities, requirements or qualifications.

c. Therefore, this change will not involve a significant reduction in the margin of safety.

Therefore, based on the above evaluation, operation in accordance with the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

**Local Public Document Room Location:** Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

**Attorney for licensee:** Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

**NRC Project Director:** Theodore R. Quay

**Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida**

**Date of amendment request:** October 3, 1990, as superseded February 21, 1991.

**Description of amendment request:** These amendments would revise Technical Specifications Section 6.0, "Administrative Controls" to reflect (a) the present organizational titles for the Florida Power and Light Company Nuclear Division, and (b) change the composition of the Plant Nuclear Safety Committee (PNSC).

**Basis for proposed no significant hazards consideration determination:** As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment(s) would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes being proposed are administrative in nature and do not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor do they affect Technical Specifications that preserve safety analysis assumptions. Therefore, the proposed changes do not affect the probability or consequences of accidents previously analyzed.

(2) Operation of the facility in accordance with the proposed amendment(s) would not create the possibility of a new or different kind of accident previously evaluated.

The NRC has previously approved the division of responsibility between the "Senior Vice President-Nuclear" and the "Executive Vice President" as described in Section 6.0 of the Turkey Point Units 3 and 4 Technical Specifications. The proposed amendment(s) would ensure a consistent corporate responsibility by substituting the "President-Nuclear Division" for either the "Senior Vice President-Nuclear" or "Executive Vice President" and thus establish the senior corporate nuclear officer responsible for overall plant nuclear safety.

The proposed change in the composition of the Plant Nuclear Safety Committee (PNSC) will have no impact on the responsibilities and effectiveness of this committee.

The changes being proposed are administrative in nature and will not affect plant safety analysis assumptions, lead to material procedure changes or to physical modifications to the facility. Therefore, the proposed changes do not create the possibility of a new or different kind of accident.

(3) Operation of the facility in accordance with the proposed amendment(s) would not involve a significant reduction in a margin of safety.

The changes being proposed are administrative in nature and do not relate to

or modify the safety margins defined in, and maintained by, the Technical Specifications. The NRC will continue to be informed of organizational changes through controlled mechanisms.

The Topical Quality Assurance Report provides a detailed description of organization and responsibilities as well as detailed organizational charts. The change to the composition of the PNSC will have no impact on the effectiveness of the individual review process.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199

*Attorney for licensee:* Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, N.W., Washington, D.C. 20036

*NRC Project Director:* Herbert N. Berkow

**Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana**

*Date of amendment request:* June 4, 1990, as revised February 13, 1991

*Brief description of amendment:* The proposed amendment would revise Technical Specifications (TSs) 4.0.5, Applicability Surveillance Requirements, 3.4.3.1, Leakage Detection Systems, and 3.4.3.2, Operational Leakage, and the BASES Sections 3/4.4.3.1, Leakage Detection and 3/4.4.3.2, Operational Leakage. The changes being proposed are in accordance with Generic Letter (GL) 88-01, "NRC Position on IGSCC in BWR Austenitic Stainless Steel Piping" and provide for inservice inspections to be performed in accordance with GL 88-01, provide restrictions on inoperable leakage detection systems, provide restrictions on leakage rate increase, and revise the action statements pertaining to leakage detection systems and increased leakage rate. Additionally, two editorial changes were proposed which would remove references to testing performed during the first refueling outage, which has already been completed.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

I. Probability of Consequences of an Accident Previously Evaluated:

For Specification 4.0.5 there will be no increase in the probability or the consequences of an accident previously evaluated because there are no design changes or modifications to plant operation associated with this amendment. This change will only be an enhancement of the inservice inspection surveillance involving IGSCC and does not reduce any of the ASME B&PV Code, Section XI - Division 1 requirements.

For specifications 3.4.3.1 and 3.4.3.2, there is no increase in the probability or consequences of an accident previously evaluated because there are no changes to the design or operation associated with this amendment. This change will provide further restriction on the operation of the plant when the leakage rate on IGSCC susceptible steel increases above 2 gpm/day and when monitoring equipment is inoperable.

II. Possibility of a New or Different Kind of Accident:

Since this amendment changes documents related to inservice inspection surveillance and places additional restrictions on plant operation with inoperable equipment there is no possibility of a new or different kind of accident. If indications are identified in piping, an evaluation will be performed in accordance with ASME B&PV Code, Section XI - Division 1, already identified in the RBS Technical Specifications.

For Specifications 3.4.3.1 and 3.4.3.2, there is no possibility of a new event because there are no changes to the design or operation associated with this amendment. This change will provide further restriction on the operation of the plant when the leakage rate on IGSCC susceptible steel increases above 2 gpm/day and when monitoring equipment is inoperable.

III. Margin of Safety:

There will not be a reduction in the margin of safety due to this amendment since this change to the RBS Technical Specifications will increase the number of inservice inspection surveillances and further restrict operation with increasing leakage or inoperable monitoring equipment. With frequent surveillances being performed, the probability of an accident is diminished. With increased restrictions on operation with increasing leakage or inoperable monitoring equipment resulting in plant shutdown, this change will not result in a reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

*Attorney for licensee:* Mark Wetterhahn, Esq., Bishop, Cook, Purcell and Reynolds, 1401 L Street, N.W., Washington, D.C. 20005

*NRC Project Director:* George F. Dick, Acting

**Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Wiscasset, Lincoln County, Maine**

*Date of amendment request:* November 28, 1990

*Description of amendment request:* The proposed amendment would modify Technical Specification (TS) surveillance requirement 4.6.A.1 to change Emergency Core Cooling System (ECCS) pump surveillance frequency from monthly to quarterly.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

Quarterly testing of the ECCS pumps satisfies the surveillance requirements of Section 3.5.2 of the Standard Technical Specifications for Combustion Engineering Pressurized Water Reactors contained in NUREG-0212. This section of NUREG-0212 requires that such testing be performed "In accordance with the Inservice Testing Program." Maine Yankee Technical Specification 4.7, Inservice Inspection and Testing of Safety Class Components, requires compliance with ASME Code Section XI for inservice testing. The edition of the ASME code in effect for Maine Yankee is the 1980 edition, including the winter 1980 addendum. This edition and addendum requires quarterly ECCS pump testing and measures more pump parameters than does the current monthly testing requirement.

Because operational readiness of the ECCS pumps is demonstrated by the plant inservice testing program through compliance with technical specification 4.7, duplicate testing by current TS 4.6.A.1 is unnecessary. Further, this proposed change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. Surveillance requirements are intended to demonstrate operability. The revised surveillance requirements are consistent with NUREG-0212 and thus will continue to provide confidence of ECCS pump operability.

2. Create the possibility of a new or different kind of accident from any previously evaluated. Verification of pump operability is maintained. There are no changes to structures, systems, or components. The proposed change eliminates duplicative testing of ECCS pumps.

3. Involve a significant reduction in a margin of safety. Verification of pump operability is maintained. The inservice testing program at Maine Yankee will continue to ensure that pump operational readiness criteria are consistent with the requirements of ASME Section XI. System performance testing will continue to be conducted in accordance with other plant technical specifications.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Wiscasset Public Library, High Street P.O. Box 367, Wiscasset, Maine 04578.

*Attorney for licensee:* John A. Ritsher, Esquire, Ropes and Gray, One International Place, Boston, Massachusetts 02110-2624.

*NRC Project Director:* Susan F. Shankman, Acting

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

*Date of amendment request:* February 11, 1991

*Description of amendment request:* The proposed amendment would delete the inspection requirement for the low pressure turbine rotors. The current inspection interval (one LP turbine rotor each four years) is based on the original LP turbine rotors being susceptible to, and having experienced, stress corrosion cracking. During the 1988 refueling outage, the original LP rotors were replaced with rotors of a different design and manufacturer. The new LP rotors have improved the reliability of the LP turbines. Rotor inspections are performed in conjunction with major turbine overhauls (approximately every 50,000 equivalent operating hours, or 6.85 calendar years), thus there is no need for duplicative or supplemental inspections.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analyses against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The Nuclear Regulatory Commission has established an acceptable criterion for

the probability of producing a turbine missile from an unfavorably oriented turbine. (An unfavorably oriented turbine is the most restrictive case; Maine Yankee's turbine-generator unit is unfavorably oriented.) The acceptable criterion is that the probability of producing a turbine missile must be less than  $1.0E-5$  per year. The Maine Yankee evaluation of their new LP rotors shows that the probability of producing a turbine missile remains less than  $1.0E-6$  throughout the 40-year service life of the new LP rotors. Thus, the welded design of the new LP turbine rotors

decreases the probability of producing a turbine missile by a factor of 10.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed. The proposed amendment allows a change in the frequency at which the LP rotors are inspected. Changing the inspection frequency does not result in a change in the failure modes of the rotors. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment will not involve a significant reduction in a margin of safety. The proposed amendment will not result in the reduction in the margin of safety for LP turbine missile production. As shown in item 1. above, the probability of producing a LP turbine missile has decreased with installation of the new LP turbine rotors, remains acceptably small and is within NRC guidelines.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578

*Attorney for licensee:* John A. Ritsher, Esquire, Ropes and Gray, One International Place, Boston, Massachusetts 02110

*Acting NRC Project Director:* Susan F. Shankman

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York

*Date of amendment request:* January 21, 1991

*Description of amendment request:* The proposed amendment would revise Table 4.3.7.10-1, "Radioactive Gaseous Effluent Monitoring Instrumentation," to require isolation of the offgas system as

part of the 18-month channel calibration for the noble gas activity monitor in lieu of the requirement to demonstrate actual isolation during the monthly functional test. The reduced surveillance testing periodicity is based on operating experience: Isolation of the offgas system during plant operation can result in loss of vacuum and a resultant turbine trip. This amendment also revises Table 3.3.7.10-1 to reflect the as-built configuration of the noble gas activity monitor instrumentation and makes an editorial change.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The design of the offgas system and the associated process gaseous monitors has not changed. The existing operability requirements for the noble gas monitors will remain intact. The capability of the monitors themselves and their associated instrumentation will still be verified on a monthly basis. Verifying automatic isolation on a refueling cycle frequency provides adequate assurance of the operability of the isolation valve and assures that overall system performance remains at an acceptable level. With one monitor in the trip condition, the remaining operable monitor provides a level of protection equivalent to or greater than that provided with both monitors operable. With both monitors inoperable, grab sampling on a twelve-hour interval provides assurance that noble gas releases in excess of predetermined levels will not go undetected.

Also, revising the operability and surveillance requirements has no effect on the probability of an accident since a gaseous monitor does not initiate an accident. In addition, the editorial changes provide consistency and do not alter the intent or interpretation of the Specification. Therefore, operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The design of the offgas system and the associated process gaseous monitors has not changed. The existing operability requirements for the noble gas monitors will remain intact. The editorial changes do not alter the intent of the Specification. Thus, the proposed change will not alter the plant configuration or any mode of operation. Therefore, operation of Nine Mile Point Unit 2, in accordance with the proposed

amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The proposed change revises the surveillance requirements for the offgas process gaseous monitors to minimize challenges to plant shutdown systems and corrects the prescribed number of Minimum Channels Operable for the gaseous monitors and their associated sample flow-rate device. The change will not affect the reliability or performance of the gaseous monitors. The changes involve only the surveillance requirements and do not alter the current Limiting Condition for Operation or the intent of accompanying Action Statements for the Gaseous Effluent Monitoring System. The proposed surveillance requirements provide adequate assurance that the Gaseous Effluent Monitoring System will maintain radioactive releases within the prescribed limits of 10 CFR [Part] 20. Finally, the proposed editorial changes provide consistency and do not alter the intent or interpretation of the Specifications. Therefore, operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

*Attorney for licensee:* Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, N.W., Washington, DC, 20005-3502.

*NRC Project Director:* Robert A. Capra

**Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York**

*Date of amendment request:* February 20, 1991

*Description of amendment request:* The proposed amendment would revise Technical Specification 4.7.5 to incorporate the recommendations on snubber visual inspection frequencies contained in Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions." The proposed revision would increase the allowable time interval between visual inspections of snubbers when the snubbers are operating at a high level of dependability. The proposed revision

would also make editorial changes to delete references to tests and inspections required during the first refueling outage since these tests and inspections have been completed.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

*The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.*

Increasing the length of the snubber visual inspection interval does not affect the function, installation, location, or configuration of any snubbers nor does it affect the design or function of any piping or systems protected by snubbers. The existing snubber operability requirements will remain intact. Thus, the proposed change will not alter the plant configuration or any mode of operation. The proposed visual inspection requirements, together with the existing functional test requirements, will effectively verify snubber system reliability. Thus, adequate assurance exists that plant systems will remain operable and capable of performing their intended functions during postulated seismic and/or dynamic events. Also, lengthening the inspection interval has no effect on the probability of an accident since a snubber failure does not initiate an accident. Therefore, operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

*The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.*

Increasing the length of the snubber visual inspection interval does not affect the function, installation, location, or configuration of any snubbers nor does it affect the design or function of any piping or systems protected by snubbers. Thus, the proposed change will not alter the plant configuration or any mode of operation. Therefore, operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

*The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.*

The proposed change involves only visual surveillance requirements and does not alter the current Limiting Condition for Operation or the accompanying Action Statement for the snubber system. The required functional testing of safety-related snubbers will maintain the required 95% confidence that at least 90% of all safety-related snubbers are operable at all times. This functional testing, along with the proposed visual inspection intervals, will provide adequate assurance that the snubber system will adequately

perform its intended function. Therefore, operation of Nine Mile Point unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and agrees with the licensee's analysis of the significant hazards consideration determination. The staff also notes that the proposed changes have been approved on a generic basis by NRC Generic Letter 90-09 which concluded that the alternate schedule for visual inspections maintains the same confidence level as in the existing visual inspection schedule. Additionally, the staff notes that the editorial changes to delete references to tests and inspections required during the first refueling outage are similar to example (i) of the Commission's Examples of Amendments That Are Considered Not Likely To Involve Significant Hazards Considerations published in the *Federal Register* on March 6, 1986 (51 FR 7744) in that these proposed changes would be purely administrative changes to delete completed requirements, and therefore do not involve a significant hazard consideration. Based on the staff's review of the licensee's analysis and the above discussion, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

*Attorney for licensee:* Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street N.W., Washington, DC 20005.

*NRC Project Director:* Robert A. Capra

**Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut**

*Date of amendment request:* January 18, 1991

*Description of amendment request:* The proposed amendment would change Millstone Unit 3 Technical Specification (TS) 3/4.6.4.2, "Electric Hydrogen Recombiners" as follows: (1) clarify surveillance requirements in TS 4.6.4.2.b.2 and TS 4.6.4.2.b.4 and (2) replace TS Figure 3.6.2, "Hydrogen Recombiner Acceptance Criteria Flow vs. Containment Pressure" with a series of equations to be incorporated in plant procedures.

*Basis for proposed no significant hazards consideration determination:*

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The proposed changes to the surveillance requirement (Section 4.6.4.2.b.2) do not reduce the effectiveness of the Technical Specification. They only provide clarification to the existing surveillance requirement. The proposed changes to Section 4.6.4.2.b.4 and addition of 4.6.4.2.b.5 will continue to verify the capability of the hydrogen recombiners to meet design basis analysis assumptions. The appropriate plant procedures are in place to ensure that the hydrogen recombiners are placed in service within 24 hours of a LOCA. Therefore, it is concluded that the LOCA and its consequences as analyzed remain valid. Since no physical modifications are proposed, there is no impact on the probability of failure. Therefore, probability of a LOCA is not affected.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes do not impact the plant response to a LOCA. Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not created, and no new failure modes are introduced.

3. Involve a significant reduction in the margin of safety.

The proposed changes do not increase the consequences of any accidents. Also, none of the protective boundaries are adversely affected. The performance level of the hydrogen recombiners assured by the proposed surveillance requirements along with the appropriate plant procedures maintain the margin of safety as defined in the existing and proposed Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

*Attorney for licensee:* Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

*NRC Project Director:* John F. Stolz

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

*Date of amendment request:* January 14, 1991

*Description of amendment request:*

The amendments would change the Technical Specifications (TS) in order to add isolation signals to Table 3.6.3-1 for the containment isolation valves on the sample lines for the Containment Radiation Monitoring (CRM) and wetwell sample lines.

Previously the CRM panels shared sample lines and containment isolation provisions with the H<sub>2</sub>/O<sub>2</sub> analyzers and PASS. New CRM panels and a wetwell sample rack are being installed with dedicated sample lines. The sample lines have redundant containment isolation valves designed to close on process signals of high drywell pressure or low reactor water level (Level 2). Although these valves were designed to be automatic (solenoid actuated), electrical power was not connected at installation. When the isolation valves were added to Technical Specification Table 3.6.3-1, "Primary Containment Isolation Valves," a footnote was placed under the column "Isolation Signal" indicating the absence of electrical power (Ref. Amendment No. 101 to NPF-14 and Proposed Amendment No. 88 to NPF-22). Electrical power is now proposed to be provided to the isolation valves.

The proposed changes would delete the footnote on Table 3.6.3-1 and add the actual isolation signals to the Table.

*Basis for proposed no significant hazards consideration determination:*

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not:

I. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The subject modification installs new CRM and Wetwell Sampling Panels and logic and power to isolation valves. The panels perform no safety function but do provide information for reactor coolant pressure boundary leak detection analysis. The valve logic and control does perform a safety function by closing and providing containment isolation. The logic and power for these valves is identical to containment isolation designs already in place in the plant. The design utilizes the same design as used for similar existing valves. The design elements include redundant logic, removal of power to cause the safety function to occur, and separation of the redundant channels to preclude common mode failures. The design details are in accordance with the appropriate Codes and Standards in the FSAR. Since the original design was reviewed and found adequate, and the new design utilizes two separate divisions to power the inboard and outboard isolation valves while the original design did not, the addition of this equipment does not increase the probability of an accident or equipment malfunction by an amount greater

than the uncertainty in the original accident probability analyses but will decrease it, thus no licensing-basis recognizable change in probability can be said to have occurred due to this modification (reference NSAC-125). In view of the small size of the lines (1") and the small number of valves being added there is no evidence that in the aggregate, any significant increase in containment leakage probability has been generated.

There is no specific condition or situation that would affect any accident analysis evaluated in the FSAR. Further, the design criteria, such as separation criteria, applied to this modification are the same as applied to other similar containment isolation cases that have been previously thoroughly evaluated. Therefore, the proposed action does not increase the consequences of an accident or malfunction previously evaluated in the FSAR.

II. Create the possibility of a new or different kind of accident from any accident previously evaluated.

As discussed above in Item I, nothing in the design of this modification is different from existing Susquehanna containment design or design practice. No features of the design or the locations for installation have been identified by any design criterion that would indicate the existence of any mechanism for creation of an accident or malfunction of a different type than previously analyzed in the FSAR.

Installation of the proposed action maintains the independence of redundant Class 1E systems as described in FSAR Sections 8.3.1.11.4 and 8.1.6.1.N. Isolation between Class 1E control circuits and their inputs to the non-Class 1E annunciator or SPDS is provided through Potter & Brumfield isolation relays as described in FSAR Section 8.1.6.1.N item 2. New raceway is installed seismically in accordance with the applicable PP&L Specification. New cable and internal equipment wiring is installed in seismically supported raceway. The installation of safety related equipment or new components in existing safety related equipment has been seismically analyzed. Where required, the mechanical loading of the raceway due to the addition of new cables was evaluated. Voltage drops in the new control circuits and those circuits affected by the proposed action were evaluated and are acceptable.

III. Involve a significant reduction in a margin of safety.

Technical Specification 3/4.6.3, specifically Table 3.6.3-1, "Primary Containment Isolation Valves" identifies the valves needed to isolate primary containment. The proposed change identifies the provision of logic and power to previously installed isolation valves. The design details are in accordance with appropriate codes and standards. The design elements include redundant logic, removal of power to cause the safety function to occur, and separation of redundant channels to preclude common mode failures. The penetrations are further isolable by manual block valves permitting installation of electrical power and logic and associated valve testing without jeopardizing primary containment integrity in any operating condition.

Based on the above, the proposed change does not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

*Attorney for licensee:* Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, D.C. 20037

*NRC Project Director:* Walter R. Butler

**Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania**

*Date of amendment request:* January 18, 1991

*Description of amendment request:* The proposed amendments would revise technical specification 4.1.4.1 such that while in Operational Condition 1 when reducing Thermal Power the selection error for an out-of-sequence control rod is demonstrated within one hour after reaching the low power setpoint (LPSP). Other changes included in the amendments are editorial in nature to provide a clear format and to clarify that "RWM automatic initiation" is defined to be that point in time when the LPSP [low power setpoint] is reached.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

I. This proposal does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Surveillance testing prior to reaching the LPSP is not desirable because it would require temporary modifications to system circuitry which could increase the risk of a plant transient. The sequence of events given in the CRDA analyses as described in the FSAR includes the assumption that the RWM is not functioning. This event is terminated, without operator actions, by the Average Power Range Monitor (APRM) 120% power signal which scrams the reactor. If the RWM were inoperable, prior to reaching or below the LPSP, the Reactor Protection System (RPS) APRM scrams in addition to the RSCS are available to mitigate the consequences of a CRDA [Control Rod Drop Accident] thus

ensuring peak fuel enthalpy will remain under 280 cal/gm.

II. This proposal does not create the possibility of a new or different type of accident from any accident previously evaluated.

Neither the design, function, nor operation of the RWM system is proposed to be modified. Demonstrating the selection error of an out-of-sequence control rod within one hour after reaching the LPSP cannot create the possibility of a new or different event.

III. This change does not involve a significant reduction in a margin of safety.

There is no reason to believe the RWM system will not be confirmed operable once conditions are reached where the surveillance testing can be performed. Sufficient backup exists such that demonstrating operability within one hour after the LPSP is reached will not cause a margin of safety to be reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

*Attorney for licensees:* Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, D.C. 20037

*NRC Project Director:* Walter R. Butler

**Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania**

*Date of amendment request:* February 1, 1991

*Description of amendment request:* The proposed amendments would correct the inconsistencies between Technical Specification Sections 3/4.8.2 and 3/4.8.3. It also addresses the loss of both divisions of 24 volt DC batteries. This change makes editorial corrections such as correcting numbering of equipment, adding missing "equal to" signs, reordering action statements for clarity and correcting "typos".

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

I. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The station battery systems are described in FSAR Section 8.3. As discussed above, these changes do not alter the analysis as described in the FSAR. Deleting the requirements in Operational Condition 1 to commence shutdown of the unit within two hours for loss of one division or within one hour if both divisions are lost does not change the probability or consequences of an accident previously evaluated since the SRMs/iRMs are not required and the other loads have a less stringent requirement if lost.

II. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

As discussed above, these changes do not alter the station battery systems. The changes improve the safe operation of the plant and do not set new requirements for the safety significant functions of the loads supplied by the batteries.

III. The proposed change does not involve a significant reduction in the margin of safety.

The major change increases the margin of safety by delaying the requirements for the plant to move from an operational condition where the SRM/iRMs are not required to be operable to an operational condition where they are required to be operable. The other changes are strictly editorial and do not affect the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

*Attorney for licensee:* Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, D.C. 20037

*NRC Project Director:* Walter R. Butler

**Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania**

*Date of amendment request:* February 7, 1991

*Description of amendment request:* The amendments would change the Technical Specifications (TSs) to revise the composition of the Plant Operations Review Committee (PORC) and to make a minor editorial change to the Unit 2 TSs to remove a reference to a figure previously deleted. Specifically, the changes to the TSs are as follows:

- Remove the positions of Assistant Superintendent-Susquehanna and Health Physics/Chemistry Supervisor

from the listing of members of the PORC in Section 6.5.1.2.

- Add the positions of Health Physics Supervisor and Chemistry Supervisor to the listing of members to the PORC in Section 6.5.1.2.

- Remove the reference to Figure 6.2.2-1 in Section 6.2.2 of the Unit 2 Technical Specification. This is an editorial change which poses no impact on safe operation of the Units.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not:  
I. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the composition of the PORC reflects organizational changes within the PP&L Nuclear Department. The proposed changes maintain a membership having a combination of education, training, experience and skills commensurate with their functional level of responsibility thereby providing reasonable assurance that their decisions and actions will be such that the plant is operated in a safe and efficient manner. The position of Assistant Superintendent-Susquehanna was not staffed by an individual requiring specific expertise not provided by other members of the PORC. Therefore, the proposed changes do not diminish the PORC's ability to perform its functions and are administrative in nature and as such pose no impact on the safe operation of Susquehanna SES.

The change deleting reference to figure 6.2.2-1 of Section 6.2.2 of the Unit 2 Technical Specification is editorial in nature and as such poses no impact on the safe operation of Susquehanna SES.

II. Create the possibility of a new or different kind of accident from any accident previously evaluated.

This conclusion is drawn for the same reasons provided in Item I above.

III. Involve a significant reduction in a margin of safety.

This conclusion is drawn for the same reasons provided in Item I above.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

*Attorney for licensee:* Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, D.C. 20037

*NRC Project Director:* Walter R. Butler

**Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania**

*Date of amendment request:* March 12, 1991

*Description of amendment request:* The amendment would change Technical Specification (TS) Sections 2.1.2, 3.2.1, 3.2.3, and the pertinent TS Bases to reflect changes to the Minimum Critical Power Ratio (MCPR) Safety Limit as a result of changes in reload fuel type and to reflect the revised computer methods used to calculate thermal limits.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the MCPR Safety Limit and the thermal limit calculational methods are changes to analytical values and methods, and, in themselves, cannot initiate an accident. The MCPR Safety Limit is set such that no fuel damage is calculated to occur if the limit is not violated and is determined based on the revised NRC approved methodology. The use of this methodology ensures that the same level of conservatism is maintained with respect to calculational uncertainties. Operation of the plant based on the proposed MCPR Safety Limit will ensure that fuel cladding integrity is maintained. Therefore, the proposed TS changes would not cause an increase in the probability or consequences of any accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS changes are to analytical values and methods and do not physically affect the fuel, and therefore, in themselves, cannot initiate any accident or cause any type of fuel malfunction. The proposed TS changes do not alter the design or function of any plant equipment, nor do they introduce any new operating scenarios, configurations, or failure modes that would create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The margin of safety is based upon the methods used to determine the MCPR Safety Limit and the other thermal limits. The proposed TS changes are to the value of the MCPR Safety Limit as determined by these methods and to the calculational methods themselves as reflected in the proposed

[Average Planar Linear Heat Generation Rate] (APLHGR) TS LCO and Bases, and the MCPR TS LCO. These changes have been reviewed and approved by the NRC and will maintain the same margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

*Attorney for licensee:* J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

*NRC Project Director:* Walter R. Butler

**Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee**

*Date of amendment requests:* March 1, 1991 (TS 90-01)

*Description of amendment request:* The Tennessee Valley Authority (TVA) proposed to modify the Sequoyah Nuclear Plant (SQN), Units 1 and 2, Technical Specifications (TSs). The proposed changes are to revise the reactor coolant system pressure-temperature (P-T) limits in TS Figures 3.4.2 and 3.4.3 to incorporate Regulatory Guide (RG) 1.99, Revision 2, methodology. The revision to SQN Unit 1 would change the P-T limits from 9.2 to 32 effective full power years (EFPY). The revision to SQN Unit 2 would change the P-T limits from 16 to 32 EFPY. TS bases 3/4.4.9, Pressure/Temperature Limits, would also be revised to reflect proposed changes in EFPY and the application of RG 1.99, Revision 2 methodology. The proposed changes provide up-to-date P-T limits for the operation of the reactor coolant system during heatup, cooldown, critically, and hydrostatic leak tests for both units. The proposed changes are in response to the NRC Generic Letter 88-11 issued July 12, 1988.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided in its application its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazard consideration based on criteria established in

10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN), in accordance with the proposed amendment, will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The present pressure-temperature (P-T) limits for SQN (TS Figures 3.4-2 and 3.4-3) are based on the methodology described in Westinghouse Electric Corporation WCAP-7924-A, "Basis for Heatup and Cooldown Limit Curves," and American Society of Mechanical Engineers (ASME) Section III, Appendix G. These P-T limit curves were computed so that the curves are valid through 9.2 effective full power years (EFPY) for SQN Unit 1 and 16 EFPY for SQN Unit 2.

TVA's [proposed] revised P-T limits for SQN were computed using the methodology described in NRC Regulatory Guide (RG) 1.99, Revision 2, "Radiation Embrittlement of Reactor Vessel Materials." TVA's application of the Revision 2 methodology resulted in a projected increase in the validation period for SQN's P-T limits to 32 EFPY for both units. This increase in the projected EFPY is because of the calculated decrease in the irradiation damage to SQN's reactor vessel. There are two primary reasons why the reactor vessel irradiation is projected to be less than originally predicted by Westinghouse. The first reason is the change in criteria associated with the chemistry of the reactor vessel material. The second reason is because of SQN's low-leakage core configuration that reduces the total neutron dose to SQN's reactor vessel (this was evidenced by the amount of damage measured by SQN's surveillance capsule samples).

TVA evaluated the adjustment in SQN's new P-T limits with regard to SQN's low-temperature overpressure protection (LTOP) setpoint analysis. This evaluation was performed to ensure that SQN's LTOP analysis remains bounding over the projected life of SQN's new P-T limits (i.e., 32 EFPY). Westinghouse provided TVA with new LTOP setpoints that bound SQN's new P-T limits for 32 EFPY. SQN's new LTOP setpoints were implemented during the Cycle 4 refueling outage for both units as part of SQN's Eagle 21 upgrade. TVA's modification to SQN's P-T limits complies with the calculative procedures and criteria contained in Revision 2 of RG 1.99. The new P-T limits for SQN continue to assure prevention of nonductile reactor vessel failure. SQN's current LTOP analysis and setpoints are bounding for SQN's newly proposed P-T limits. Accordingly, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed. TVA's proposed change to SQN's P-T limits utilizes the methodology provided in NRC RG 1.99, Revision 2. The new P-T limits do not result in a change to the plant configuration. TVA has determined that SQN's current LTOP analysis and setpoints remain bounding for the newly proposed P-T limits. Therefore, the proposed change does not alter SQN's current LTOP setpoints or enabling temperatures.

Consequently, the proposed change does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in a margin of safety. TVA's proposed TS change to incorporate new P-T limits for SQN remains consistent with the methodology provided in RG 1.99, Revision 2. The new P-T limits do not impact SQN's current LTOP setpoints or enabling temperatures. Consequently, the proposed change does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

*Attorney for licensee:* General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

*NRC Project Director:* Frederick J. Hebdon

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

*Date of amendment request:* May 31, 1990

*Description of amendment request:* The proposed amendment would add an Action statement which would apply when both hydrogen analyzers are inoperable to be consistent with NRC guidance, Generic Letter 83-37, to allow 72 hours to return one of the two inoperable hydrogen analyzers to operable status or be in at least hot standby within the next 6 hours.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Toledo Edison has reviewed the proposed change and determined that a significant hazards consideration does not exist because operation of Davis-Besse Nuclear Power Station, Unit 1, in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because no accident initiators or assumptions are affected. No hardware changes are being made and no testing is being degraded. Capability to determine Containment Vessel atmosphere hydrogen concentrations, as provided by the PASS following a LOCA, and the available time to take action prior to reaching the hydrogen

flammability limit result in no significant increase in the probability of an accident previously evaluated.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because no accident conditions or assumptions are affected. No hardware changes are being made and no testing is being degraded. Capability to determine Containment Vessel atmosphere hydrogen concentrations, as provided by the PASS following a LOCA, and the available time to take action prior to reaching the hydrogen flammability limit result in no radiological consequences being affected.

2a. Not create the possibility of a new kind of accident from any accident previously evaluated because no accident initiators are created. No changes in hardware are being made. Capability to determine Containment Vessel atmosphere hydrogen concentrations, is provided by the PASS following a LOCA.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because no hardware changes or changes in equipment operation are being made. On matters related to nuclear safety no new accidents are created and no new malfunctions are involved.

3. Not involve a significant reduction in a margin of safety because an evaluation in the USAR has analyzed a Loss of Coolant Accident (LOCA) to determine the amount of time, approximately 21 days, for the Containment Vessel atmosphere to reach three volume percent hydrogen concentration. If both hydrogen analyzers were inoperable and a LOCA occurred, there exists an alternative means, the PASS, to obtain a Containment Vessel air sample, which can be analyzed for hydrogen. Based on the results of the analysis, the Reactor Operator can take the appropriate action necessary to maintain the hydrogen concentration at or below three volume percent in the necessary time frame as outlined in the USAR.

The staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

*Attorney for licensee:* Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

*NRC Project Director:* John N. Hannon

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

*Date of amendment request:* February 1, 1991

*Description of amendment request:* The amendment would revise the acceptance criteria in Technical Specification 3.1.3.3 to 1.5% for rod group average position uncertainty and for T.S 4.1.3.3 to 3.4% for Absolute Position Indicator (API) to Relative Position Indicator (RPI) uncertainty. The amendment would also revise Technical Specification 3.1.3.3 to reverse the terms, "absolute position indicator channel" and "relative position indicator channel" which were interchanged when implemented from B&W Standard Technical Specification. This amendment would also reflect a administrative correction from the terminology "Asymmetric Rod Fault Circuitry" to "asymmetric rod monitor".

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below: Toledo Edison has reviewed the proposed change and determined that a significant hazards consideration does not exist because operation of Davis-Besse Nuclear Power Station, Unit 1, in accordance with these changes would:

1. Not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes do not involve hardware changes or design modifications which would affect the probability of an accident, but correct the Technical Specifications to ensure compliance with analytical assumptions to preserve the consequences within existing analyses (10 CFR 50.92(c)(1)).
2. Not create the possibility of a new or different kind of accident from any accident previously evaluated because no hardware change or design modification to existing equipment is being made. The changes correct the Technical Specifications only (10 CFR 50.92(c)(2)).
3. Not involve a significant reduction in a margin of safety because these Technical Specification changes correct the Technical Specifications to ensure the margin of safety originally intended is maintained (10 CFR 50.92(c)(3)).

The staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

*Attorney for licensee:* Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

*NRC Project Director:* John N. Hannon

**Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio**

*Date of amendment request:* March 1, 1991

*Description of amendment request:* The proposed amendment would revise the Technical Specifications for the Davis-Besse Nuclear Power Station (DBNPS) to allow an alternate method of determining battery operability following service or performance discharge surveillance testing.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Toledo Edison has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the DBNPS in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because the use of a stable battery charging current of less than two amps when on a float charge is an acceptable, equivalent method of determining station battery operability following a battery service or performance discharge test. Batteries determined operable are capable of performing their intended function and there is no associated significant increase in the probability of an accident.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because the use of a stable battery charging current of less than two amps when on a float charge is an acceptable, equivalent method of determining station battery operability following a battery service or performance discharge test. Batteries determined operable are capable of performing their intended function and there is no associated significant increase in the consequences of an accident.

2a. Not create the possibility of a new kind of accident from any accident previously evaluated because this change proposes an alternate, equivalent method of determining station battery operability following a battery service or performance discharge test. No modifications are being made to the batteries, the charging equipment, or the distribution system.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because this change proposes an alternate, equivalent method of determining station battery operability following a battery service or performance discharge test. No modifications are being made to the batteries, the charging equipment, or the distribution system.

3. Not involve a significant reduction in a margin of safety because the use of the station battery charging current as an indicator of the state of the battery charge

following battery service or performance discharge testing is allowed by IEEE 450-1980 which is referenced in the TS Bases Section as the basis for the battery surveillance requirements. As verified by the battery manufacturer, a battery charging current of less than two amps indicates the battery is approximately 95 percent fully charged. This value, when taken into consideration with the design margins and the loading calculations for station battery capacity and service life, ensure that the station battery will be capable of meeting its design and load requirements throughout its service life. Therefore, the margin of safety is not significantly reduced.

The staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

*Attorney for licensee:* Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

*NRC Project Director:* John N. Hannon

**Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington**

*Date of amendment request:* February 28, 1991

*Description of amendment request:* The proposed amendment would modify the facility minimum critical power ratio safety limit and associated bases to reflect cycle specific safety analyses resulting from use of a new reload methodology and effects of channel box bow phenomena.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The Supply System has evaluated this request per 10 CFR 50.92 and determined that it does not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated.

A multidiscipline analysis has been performed for the Cycle 7 reload design. This analysis examines all of the core design changes and their operational impact. The SLMCPR is established through statistical consideration of measurement and calculational uncertainties associated with the thermal hydraulic state of the reactor. The SLMCPR [safety limit minimum critical power ratio] as developed determines that at least 99.9% of the fuel rods in the core will be expected to avoid boiling transition during

normal and anticipated operational occurrences. The proposed change in safety limit, analyzed based upon changing core conditions, provides renewed assurance that the above criterion will be met. Because the above criterion has not changed establishment of the proposed safety limit change will assure that the probability or consequences of accidents previously analyzed will not change.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

The Cycle 7 reload design has been analyzed in some detail. The identification of the need for a change to the SLMCPR does not create a new type of accident. The reload design itself is sufficiently similar to the present design, even considering the fuel design changes, to preclude the introduction of a new transient.

3. Create a significant reduction in the margin of safety.

The proposed change to the SLMCPR does not create a reduction in the margin of safety. The purpose of the proposed increase in SLMCPR is to at least preserve the current margin of safety. Changes in analytical methodology, which because of flatter power distributions increases the population of fuel rods potentially near boiling transition, and direct consideration of potential channel bow associated with extended life fuel increase has been shown to maintain the current margin of safety enjoyed by the WNP-2 core.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Richland Public Library, 955 Northgate Street, Richland, Washington 99352

*Attorney for licensee:* Nicholas S. Reynolds, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

*NRC Project Director:* James E. Dyer

**Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas**

*Date of amendment request:* February 27, 1991

*Description of amendment request:* The purpose of the proposed Technical Specification changes is to revise Section 6.0 to reflect miscellaneous changes to the administrative controls at Wolf Creek Generating Station. Modifications include title changes of plant personnel, updated references and clarifications regarding individuals responsible for assuming Control Room command and control.

*Basis for proposed no significant hazards consideration determination:*

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

**Standard 1 - Involves a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated**

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. These changes involve an administrative change and as such, have no effect on plant equipment.

**Standard 2 - Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated**

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. These changes either do not impact or upgrade the training and qualifications of personnel who operate WCGS. These changes do not involve any change to the installed plant systems or the overall operating philosophy of WCGS.

**Standard 3 - Involve a Significant Reduction in the Margin of Safety**

The proposed changes are an administrative change and do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room Location:* Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

*Attorney for licensee:* Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N. W., Washington, D. C. 20037

*NRC Project Director:* George F. Dick, Acting

**Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas**

*Date of amendment request:* March 5, 1991

*Description of amendment request:* The purpose of the proposed Technical Specification changes is to revise Section 6.0 to reflect an organizational change and various title changes in the Wolf Creek Nuclear Operating Corporation organization.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

**Standard 1 - Involves a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated**

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. These changes involve an administrative change to the WCNOG organization and to position titles and as such, have no effect on plant equipment or the technical qualification of plant personnel.

**Standard 2 - Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated**

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. These changes are administrative in nature and do not involve any change to the installed plant systems or the overall operating philosophy of Wolf Creek Generating Station.

**Standard 3 - Involve a Significant Reduction in the Margin of Safety**

The proposed changes do not involve a significant reduction in a margin of safety. These changes do not involve any changes in overall organizational commitments. An organizational change and position title changes alone do not reduce any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room Location:* Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

*Attorney for licensee:* Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N. W., Washington, D. C. 20037

*NRC Project Director:* George F. Dick, Acting

**Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas**

*Date of amendment request:* March 5, 1991

*Description of amendment request:* The purpose of the proposed Technical Specification change is to revise Specification 4.7.8 to incorporate an alternative snubber visual inspection schedule as provided by Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions."

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the

issue of no significant hazards consideration, which is presented below:

**Standard 1 - Involves a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.**

The proposed change to the snubber visual inspection schedule does not involve a significant increase in the probability or consequences of an accident previously evaluated. This change provides an alternative inspection schedule for visual inspections that maintains the same confidence level as the existing schedule and generally allows the performance of visual inspections and corrective actions during plant outages. This change does not appreciably impact the reliability or availability of plant equipment.

**Standard 2 - Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.**

The proposed change to the snubber visual inspection schedule does not create the possibility of a new of [or] different kind of accident from any previously evaluated. The proposed change does not alter the method and manner of plant operations. It permits an inspection schedule based on the number of unacceptable snubbers found during the previous inspection in proportion to the sizes of the various snubber categories.

**Standard 3 - Involve a Significant Reduction in the Margin of Safety.**

The proposed change to the snubber visual inspection schedule does not involve a significant reduction in a margin of safety. The change does not affect any Technical Specification margin of safety and it maintains the same confidence level as the existing schedule.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

**Local Public Document Room**  
Location: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

**Attorney for licensee:** Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N. W., Washington, D. C. 20037

**NRC Project Director:** George F. Dick, Acting

**Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas**

**Date of amendment request:** March 5, 1991

**Description of amendment request:** The amendment request is proposing a change in the Reactor Coolant System (RCS) thermal design flow from the current Technical Specification value of

95,700 gpm/loop to a new value of 93,750 gpm/loop. The purpose of this proposed change is to support the potential need for future steam generator tube plugging or sleeving. This change is proposed as a precautionary measure since the current level of steam generator tube plugging is minimal and RCS flow is within current Technical Specification limits. The proposed reduced RCS flow requirement was chosen to reasonably bound potential future needs without requiring extensive reanalysis.

**Basis for proposed no significant hazards consideration determination:** As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

**Standard 1 - Involves a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.**

The reduction in the RCS thermal design flow and increase in Low Pressurizer Reactor Trip setpoint limit do not affect any of the mechanisms postulated in the USAR to cause LOCA or non-LOCA design basis events. The proposed 2% reduction in reactor coolant thermal design flow at Wolf Creek Generating Station (WCGS) would produce only small changes in design operating parameters. Primary system operating parameters remain essentially the same as those presented in the USAR and the proposed change results in only slight changes in secondary system operating parameters such as steam pressure and temperature. These changes are extremely small and the radiological consequences of the accidents evaluated in the USAR are relatively insensitive to steam pressure and temperature. Sensitivity studies, evaluations and minimum Departure from Nucleate Boiling Ratio (DNBR) recalculations confirm that the transient behaviors described in the USAR do not change, and the USAR conclusions remain valid for the proposed changes. On this basis it is concluded that the consequences of the accidents previously evaluated are not increased.

The proposed change involves no change in the physical configuration of the plant or the methods of operation. Therefore there is no increase on the probability of any accident previously evaluated.

**Standard 2 - Create the Possibility of a New or Different Kind of Accident From any Previously Evaluated.**

The accidents assumed to occur at the current thermal design flow and Low Pressurizer Pressure Reactor Trip setpoint are the same as those for the proposed values of thermal design flow and Low Pressurizer Pressure Reactor Trip setpoint. The proposed change does not involve any changes to the physical plant configuration or operating methods.

For this reason, the possibility of a new accident which is different than any already evaluated in the USAR is not created.

**Standard 3 - Involve a Significant Reduction in the Margin of Safety.**

Reduced thermal design flow might be expected to affect the margin of safety by reducing the Departure from Nucleate Boiling (DNB) limits. However, the use of a less limiting Critical Heat Flux (CHF) correlation (previously approved by the NRC) in conjunction with the proposed increase in Low Pressurizer Pressure Reactor Trip setpoint have demonstrated that the margins required in the safety analysis are met or exceeded for all accidents. The generic DNBR margin has, in fact, been increased.

These safety analysis acceptance criteria are the principal basis for the Technical Specifications, and therefore, the margins of safety used as a basis for technical specifications have not been reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

**Local Public Document Room**  
Location: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

**Attorney for licensee:** Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N. W., Washington, D. C. 20037

**NRC Project Director:** George F. Dick, Jr., Acting

**Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas**

**Date of amendment request:** March 5, 1991

**Description of amendment request:** The amendment request proposes changes to Technical Specification Sections 4.4.9.3.2, 4.5.2.d, and associated Bases to delete surveillance testing requirements associated with the Autoclosure Interlock (ACI) feature for the Residual Heat Removal (RHR) suction isolation valves. This is being requested to allow implementation of plant modifications which will delete the ACI feature from these valves.

**Basis for proposed no significant hazards consideration determination:** As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

**Standard 1 - Involves a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.**

The requested amendment deletes existing surveillance requirements for the autoclosure interlock (ACI) for the Residual Heat Removal (RHR) suction isolation valves in

order to allow plant modifications to remove this feature. The potential effects of this modification on plant safety have been analyzed and documented in Westinghouse topical report WCAP-11736, "Residual Heat Removal System Autoclosure Interlock Removal Report for the Westinghouse Owners Group". This topical report has previously been reviewed by the NRC and found acceptable for reference in plant specific submittals. Wolf Creek Generating Station (WCGS) is essentially identical in design to the Callaway plant which was one of the four reference plants evaluated in WCAP-11736. Both WCGS and Callaway are Standardized Nuclear Unit Power Plant Systems (SNUPPS) plants. Review by Wolf Creek Nuclear Operating Corporation has confirmed that the conclusions of the topical report are valid for WCGS.

The topical report evaluated the effect of ACI deletion on (1) the frequency of an interfacing system Loss-of-Coolant Accident (LOCA), (2) the availability of the RHR system, and (3) the effect on overpressure transients. With the removal of the ACI and the additional control room alarm feature as described in this license amendment request, the topical report predicts that there will be a 24% decrease in the predicted frequency of interfacing LOCAs. Relative to RHR system availability, the topical report concludes there is no impact on the reliability of RHR initiation. During short term cooling (the first 72 hours) the ACI deletion decreased the RHR failure probability by 12%. For long term RHR operation the failure probability was calculated to decrease by 70%. Finally, Appendix D of the topical report presents the analysis which demonstrates that the removal of the RHR ACI has an insignificant impact on the frequency of overpressurization events. On this basis it is concluded that the consequences and probabilities of accidents previously evaluated are not significantly increased.

Standard 2 - Create the Possibility of a New or Different Kind of Accident From any Previously Evaluated.

The function of RHR system components as part of the Emergency Core Cooling System are not affected by this proposed amendment or associated plant modifications. As discussed above, the reliability of the RHR system during normal operations is enhanced by these changes. Relative to isolation of the RHR system from the RCS, the effect of an overpressure transient at cold shutdown conditions will not be altered by removal of the RHR ACI function. With or without the ACI function, the RHR system could be subject to overpressure for which the RHR relief valves must be relied upon to limit pressure to within RHR design parameters. While it is true that the ACI initiates an automatic closure of the RHR suction/isolation valves on high RCS pressure, overpressure protection of the RHR system is provided by the RHR system relief valves and not by the relatively slow action of the RHR suction isolation valves. The relief valves prevent overpressurization of the RHR system during shutdown conditions and several methods, including alarms, procedures and administrative controls, are in place to ensure that the RHR system is

isolated from the RCS during normal plant conditions. Therefore, removal of the ACI does not create the possibility of a new or different kind of accident from any previously evaluated.

Standard 3 - Involve a Significant Reduction in the Margin of Safety.

The RHR suction isolation valve ACI feature is not a consideration in the margin of safety in the basis for any Technical Specification. However, as shown by the evaluation in the referenced topical report, the overall level of protection afforded the health and safety of the public will be increased by the proposed amendment and associated plant modification.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room Location:* Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

*Attorney for licensee:* Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N. W., Washington, D. C. 20037

*NRC Project Director:* George F. Dick, Acting

**Previously Published Notices of Consideration of Issuance of Amendments to Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing**

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the *Federal Register* on the day and page cited. This notice does not extend the notice period of the original notice.

**Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana**

*Date of application for amendment:* March 1, 1991

*Brief description of amendment request:* The proposed amendment would revise Technical Specification (TS) Table 3.3.2-1, "Isolation Actuation

Instrumentation," to correctly identify actuation of the emergency mode of the main control room area ventilation system at reactor vessel water low, low level 2 instead of actuating at low, low, low level 1, as currently reflected in the TS table.

*Date of individual notice in Federal Register:* March 13, 1991 (56 FR 10582)

*Expiration date of individual notice:* April 12, 1991

*Local Public Document Room location:* Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

**Public Service Company of New Hampshire, Docket No. 50-443, Seabrook Station, Rockingham County, New Hampshire**

*Date of amendment request:* November 13, 1990 as supplemented on January 14, 1991.

*Description of amendment request:* The proposed amendment would authorize a newly created entity, North Atlantic Energy Corporation to be included as a licensee and to acquire and possess Public Service Company of New Hampshire's ownership interest in Seabrook Station, Unit 1.

*Date of publication of individual notice in Federal Register:* February 28, 1991 (56 FR 8373)

*Expiration date of individual notice:* April 1, 1991

*Local Public Document Room location:* Exeter Public Library, 47 Front Street, Exeter, New Hampshire, 03833.

**Tennessee Valley Authority, Docket No. 50-328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee**

*Date of amendment request:* February 14, 1991 (TS 91-01)

*Brief Description of amendment request:* The proposed amendment would modify Section 3/4.5.1.1, Cold Leg Injection Accumulators, of the Sequoyah Nuclear Plant, Unit 2, Technical Specifications. The change would reduce the required boron concentration for one of the four cold leg injection accumulators from between 2,400 and 2,700 parts per million (ppm) boron to between 1,900 and 2,700 ppm boron. This would reduce the frequency at which the Unit 2 cold leg injection accumulator No. 3 is being removed from service for periodic draindowns and refills. This periodic evolution has been necessary as a result of a continuing small reactor coolant leakage into the accumulator on the order of 0.1 to 0.2 gallon per minute. The licensee requested an expedited review so that this relief may be implemented

as soon as possible. The change would be only for the current Unit 2 Cycle 5 operation. Unit 2 restarted from the Unit 2 Cycle 4 refueling outage in November 1990 and is scheduled to shut down for the Unit 2 Cycle 5 refueling outage in April 1992.

*Expiration date of individual notice:* April 10, 1991

*Date of publication of individual notice in Federal Register:* March 11, 1991 (56 FR 10287)

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402

**Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas**

*Date of application for amendment:* March 1, 1991, and supplemented by letters dated March 8, 1991, and March 21, 1991. The March 8, 1991, and the March 21, 1991, submittals provided additional clarifying information and did not change the initial no significant hazards consideration determination.

*Brief description of amendment request:* The amendment would revise the Technical Specifications and associated bases to increase the surveillance test intervals and allowed outage times for the analog channels of the Engineered Safety Features Actuation System (ESFAS).

*Date of individual notice in Federal Register:* March 13, 1991 (56 FR 10584)

*Expiration date of individual notice:* Comment period expires March 28, 1991; Notice period expires April 12, 1991.

*Local Public Document Room locations:* Emporia State University, 1200 Commercial Street, Emporia, Kansas 66801, and Washburn University School of Law Library, Topeka, Kansas 66621.

**Yankee Atomic Electric Company, Docket No. 50-029, Yankee Nuclear Power Station, Franklin County, Massachusetts**

*Date of amendment request:* January 28, 1991

*Description of amendment request:* The proposed amendment would allow Yankee Nuclear Power Station (YNPS) to operate with fewer detector thimbles while maintaining sufficient data collection capability to ensure that operation of the YNPS core remains within licensed limits. The current technical specification governing operability of the Incore Instrumentation System requires that a minimum of 12 neutron detectors thimbles be operable with at least two per core quadrant whenever the system is used for core

power distribution measurements. This proposed change reduces the minimum number of thimbles to nine and reduces the minimum number of thimbles per quadrant to one. Date of publication of individual notice in **Federal Register:** February 19, 1991 (55 FR 6692)

*Expiration date of individual notice:* March 21, 1991

*Local Public Document Room location:* Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301

**Notice of Issuance of Amendment to Facility Operating License**

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon

request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects.

**Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama.**

*Date of amendments request:* February 6, 1991

*Brief Description of amendments:* The amendments revise the snubber visual surveillance requirements contained in Technical Specification 4.7.9. The changes are consistent with the guidance contained in Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions."

*Date of issuance:* March 19, 1991.

*Effective date:* March 19, 1991.

*Amendment Nos.:* 88, 82.

*Facility Operating License Nos. NPF-2 and NPF-8.* Amendments revise the Technical Specifications.

*Date of initial notice in Federal Register:* February 15, 1991 (56 FR 6417) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 19, 1991.

No significant hazards consideration comments received: No

*Local Public Document Room location:* Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

**Baltimore Gas and Electric Company, Docket No. 50-317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland**

*Date of application for amendment:* January 18, 1991

*Brief description of amendment:* This amendment adds a footnote to Technical Specification 4.6.1.2.d which provides a one-time schedule extension for the Type C local leak rate test (LLRT) for containment isolation valve 1-CVC-515. The required due date of March 23, 1991, is extended by the footnote to June 21, 1991, which is a period of approximately three months.

*Date of issuance:* March 11, 1991

*Effective date:* March 11, 1991

*Amendment No.:* 152

*Facility Operating License No. DPR-53.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* February 6, 1991 (56 FR 4861) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 11, 1991

No significant hazards consideration comments received: No

**Local Public Document Room**

location: Calvert County Library, Prince Frederick, Maryland.

The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of application for amendment: March 30, 1990

Brief description of amendment: The amendment revised Technical Specification 4.8.1.1.2.f.14.b to require verification at least once per 18 months that the control room "pull-to-lockout" feature for the Division 3 Emergency Diesel Generator will prevent diesel starting only when required.

Date of issuance: March 14, 1991

Effective date: March 14, 1991

Amendment No. 37

Facility Operating License No. NPF-53. This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 27, 1990 (55 FR 26278) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 14, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room**

location: Perry Public Library, 3753 Main Street, Perry, Ohio 44081

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: July 26, 1989, as supplemented on July 9, 1990, December 5, 1990, January 2, 1991, and January 18, 1991

Brief description of amendments: The amendments revise Technical Specification Table 3.3.2-1, Item A.1.d (Main Steam Line Tunnel Temperature - High) and A.1.e (Main Steam Line Tunnel Delta Temperature - High) to allow both channels of each trip system to be placed in an inoperable status for up to 4 hours for reactor building ventilation maintenance, filter changes, damper cycling, and surveillance testing and 12 hours for the secondary containment leak rate test without placing the trip system in the tripped condition. Additionally, the associated bases were modified to reflect these changes.

Date of issuance: March 21, 1991

Effective date: March 21, 1991

Amendment Nos.: 77 and 61

Facility Operating License Nos. NPF-11 and NPF-18. The amendments revise the Technical Specifications.

Date of initial notice in Federal Register: October 4, 1989 (54 FR 40926)

The licensee provided additional information that did not change the initial no significant hazards consideration determination in letters dated July 9, 1990, December 5, 1990, January 2, 1991, and January 18, 1991. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 21, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room**

location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: May 25, 1989, as supplemented January 25, 1991

Brief description of amendments: Revision of the Technical Specifications associated with the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) systems to make them more consistent with the Standard Technical Specifications for Boiling Water Reactors.

Date of issuance: March 8, 1991

Effective date: March 8, 1991

Amendment Nos.: 130 and 124

Facility Operating License Nos. DPR-29 and DPR-30. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 9, 1989 (54 FR 32707) The January 25, 1991 letter provided an additional surveillance requirement that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 8, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room**

location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: August 1, 1990

Brief description of amendment: This amendment revises the Technical Specifications (TS) by changing the Title of "Vice President - Nuclear Operations" to "Assistant Vice President and Manager - Nuclear Production." In addition, the proposed amendment would modify the educational requirements for

membership on the Nuclear Safety Review Group.

Date of issuance: March 20, 1991

Effective date: March 20, 1991

Amendment No.: 63

Facility Operating License No. NPF-43. The amendment revises the Technical Specifications

Date of initial notice in Federal Register: February 6, 1991 (56 FR 4662) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 20, 1991.

No significant hazards consideration comments received: No.

**Local Public Document Room**

location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 25, 1990.

Brief description of amendment: The amendment revised the Technical Specifications by adding a note to Table 4.3-2, "Engineering Safety Features Actuation System Instrumentation Surveillance Requirements," concerning relay testing to reduce unnecessary emergency diesel generator starts.

Date of issuance: March 15, 1991.

Effective date: March 15, 1991.

Amendment No.: 67

Facility Operating License No. NPF-38. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: September 5, 1990 (55 FR 36343) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 15, 1991.

No significant hazards consideration comments received: No.

**Local Public Document Room**

location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: August 20, 1990

Brief description of amendments: The amendments make a number of editorial changes to the TSs and ETs for Units 1 and 2.

Date of issuance: March 18, 1991

Effective date: March 18, 1991

Amendment Nos.: 171 and 109

*Facility Operating License Nos. DPR-57 and NPF-5.* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 31, 1990 (55 FR 45881) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1991

No significant hazards consideration comments received: No.

*Local Public Document Room location:* Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

**Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia**

*Date of application for amendments:* May 8, 1989

*Brief description of amendments:* The amendments would revise uncertainty values (total allowance and statistical summation of errors) and the specified allowable value for the low pressurizer pressure trip in Technical Specification Table 3.3-3.

*Date of issuance:* March 18, 1991  
*Effective date:* March 18, 1991  
*Amendment Nos.:* 38 and 18

*Facility Operating License Nos. NPF-68 and NPF-81:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* July 26, 1989 (54 FR 31108) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1991

No significant hazards consideration comments received: No.

*Local Public Document Room location:* Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830

**Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana**

*Date of amendment request:* January 7, 1991

*Brief description of amendment:* The amendment added the chilled water return from the drywell isolation valve to Technical Specification (TS) Table 3.6.4-1, "Drywell and Containment Isolation Valves" and corrected the identifying title of another valve in the table. The chilled water return from the drywell isolation valve had been inadvertently omitted from the Safety Analysis Report and the TS table.

*Date of issuance:* March 12, 1991  
*Effective date:* March 12, 1991  
*Amendment No.:* Amendment No. 54

*Facility Operating License No. NPF-47.* The amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* February 6, 1991 (56 FR 4865) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 12, 1991.

No significant hazards consideration comments received: No.

*Local Public Document Room location:* Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

**Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas**

*Date of amendment request:* November 15, 1990, as revised on January 17, 1991.

*Brief description of amendments:* The amendments change the Appendix A Technical Specifications by modifying Section 4.4.6.2.2d to require that certain reactor coolant system pressure isolation valves be demonstrated to be operable prior to entering MODE 2. Prior to the amendment, the pressure isolation valves had to be demonstrated operable within 24 hours following valve actuation.

*Date of issuance:* March 11, 1991  
*Effective date:* March 11, 1991  
*Amendment Nos.:* Amendment No. 22 and Amendment No. 12

*Facility Operating License Nos. NPF-76 and NPF-80.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* February 6, 1991 (56 FR 4865) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 11, 1991.

No significant hazards consideration comments received: No.

*Local Public Document Room location:* Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

**Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska**

*Date of amendment request:* January 11, 1990.

*Brief description of amendment:* The amendment revised Technical Specification Table 3.7.4, "Primary Containment Testable Isolation Valves," to reflect a modification associated with air operated testable check valves RCIC-AO-22 and HPCI-AO-18. The valves have been redesignated as RCIC-

26CV and HPCI-29CV as a result of the removal of the air actuator. In addition, reference to RCIC-MO-17 and HPCI-MO-57 has been deleted to reflect the removal of these bypass valves as part of the modification.

*Date of issuance:* March 15, 1991  
*Effective date:* March 15, 1991  
*Amendment No.:* 138

*Facility Operating License No. DPR-46.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* February 21, 1990 (55 FR 6108) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 15, 1991

No significant hazards consideration comments received: No.

*Local Public Document Room location:* Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

**Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York**

*Date of application for amendment:* June 14, 1988, as supplemented September 29, 1988, and as superseded November 20, 1990.

*Brief description of amendment:* This amendment revises Technical Specifications 4.0.3 and 4.0.4 and updates the Bases for Sections 3.0 and 4.0 in accordance with the guidance provided in Generic Letter 87-09. In addition, this amendment includes several editorial changes.

*Date of issuance:* March 12, 1991  
*Effective date:* March 12, 1991  
*Amendment No.:* 27

*Facility Operating License No. DPR-63:* Amendment revises the Technical Specifications.

*Date of initial notice in Federal Register:* January 23, 1991 (56 FR 2549) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 12, 1991

No significant hazards consideration comments received: No.

*Local Public Document Room location:* Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

**Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit No. 2, Scriba, New York**

*Date of application for amendment:* November 20, 1990

*Brief description of amendment:* This amendment removes a restriction that limits the combined time interval for three consecutive surveillances to less

than 3.25 times the specified interval. These changes are consistent with the guidance provided in Generic Letter 89-14, "Line Item Improvements in Technical Specifications - Removal of the 3.25 Limit on Extending Surveillance Intervals." Additionally, this amendment deletes Specification 4.0.2c which contains a one-time exemption from the provisions of Specifications 4.0.2a and 4.0.2b and is no longer applicable.

*Date of issuance:* March 12, 1991

*Effective date:* March 12, 1991

*Amendment No.:* 28

*Facility Operating License No. NPF-69:* Amendment revises the Technical Specifications.

*Date of initial notice in Federal Register:* January 23, 1991 (56 FR 2549) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 12, 1991.

Significant hazards consideration comments received: No

*Local Public Document Room*

*location:* Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

**Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut**

*Date of application for amendment:* December 7, 1990

*Brief description of amendment:* The amendment changes Technical Specifications (TS) 3.9.C, "Auxiliary Electrical System", to increase the storage requirements for diesel fuel oil from 20,000 gallons to 23,400 gallons to provide added assurance that the diesel generator will operate for 5 days at full load without refilling the storage tanks.

*Date of issuance:* March 11, 1991

*Effective date:* March 11, 1991

*Amendment No.:* 48

*Facility Operating License No. DPR-21:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* February 6, 1991 (56 FR 4867) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 11, 1991.

No significant hazards consideration comments received: No.

*Local Public Document Room*

*location:* Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

**Northern States Power Company, Dockets Nos. 50-282 and 50-306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota**

*Date of application for amendments:* November 14, 1990

*Brief description of amendments:* The amendments revise Technical Specifications Section 3.10.G and its associated Bases to allow continued operation for 72 hours for diagnosis and repair, with one or more control rods immovable due to an electrical problem in the control rod system, provided all affected control rods remain trippable.

*Date of issuance:* March 20, 1991

*Effective date:* March 20, 1991

*Amendment Nos.:* 94 and 87

*Facility Operating License Nos. DPR-42 and DPR-60:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* January 23, 1991 (56 FR 2550) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 20, 1991. No significant hazards consideration comments received: No.

*Local Public Document Room*

*location:* Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

**Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska**

*Date of amendment request:* June 28, 1990, as supplemented December 20, 1990

*Brief description of amendment:* The amendment changed the Technical Specifications to add the Hydrogen Purge System.

*Date of issuance:* March 19, 1991

*Effective date:* 60 days from the date of issuance.

*Amendment No.:* 138

*Facility Operating License No. DPR-40:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* August 8, 1990 (55 FR 32329) The additional information contained in the supplemental letter dated December 20, 1990, was clarifying in nature and thus, within the scope of the initial notice and did not affect the NRC staff's proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 19, 1991

No significant hazards consideration comments received: No.

*Local Public Document Room*

*location:* W. Dale Clark Library, 215

South 15th Street, Omaha, Nebraska 68102

**Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California**

*Date of application amendments:* December 21, 1990 (Reference LAR 90-15)

*Brief description of amendments:* The amendments revised the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 to implement power-dependent Reactor Coolant System (RCS) flow rate limits. The amendments also delete selected unit-dependent and cycle-dependent parameters that are no longer applicable.

*Date of issuance:* March 12, 1991

*Effective date:* March 12, 1991

*Amendment Nos.:* 60 and 59

*Facility Operating License Nos. DPR-80 and DPR-82:* The amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* January 23, 1991 (56 FR 2553) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 12, 1991.

No significant hazards consideration comments received: No.

*Local Public Document Room*

*location:* California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

**Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania**

*Date of application for amendments:* October 19, 1990

*Brief description of amendments:* The amendment revised the Technical Specifications. The degraded voltage setpoints were revised in Technical Specification Table 3.3.3-2, "Emergency Core Cooling System Actuation Instrumentation Setpoints." The degraded voltage setpoint was increased from 84% to 93%. Technical Specification Tables 3.3.3-1, "Emergency Core Cooling System Actuation Instrumentation," and 3.3.3-3, "Emergency Core Cooling System Response Times," were also changed to be consistent with the new setpoint.

*Date of issuance:* March 18, 1991

*Effective date:* March 18, 1991, to be implemented within 30 days

*Amendment Nos.:* 104 and 71

**Facility Operating License Nos. NPF-14 and NPF-22.** These amendments revised the Technical Specifications.

**Date of initial notice in Federal Register:** December 12, 1990 (55 FR 51186) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

**Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania**

**Date of application for amendments:** December 21, 1990

**Brief description of amendments:** The amendments revised the Technical Specifications to conform to the NRC staff positions on Inservice Inspection and monitoring of unidentified leakage in Generic Letter 88-01.

**Date of issuance:** March 5, 1991

**Effective date:** 30 days from date of issuance

**Amendment Nos. 49 and 12 Facility Operating License Nos. NPF-39 and NPF-85.** The amendments revised the Technical Specifications.

**Date of initial notice in Federal Register:** January 9, 1991, (56 FR 895) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 5, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

**Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania**

**Date of application for amendments:** December 17, 1990 as supplemented on January 22, 1991.

**Brief description of amendments:** These amendments changed the Technical Specifications to revise Minimum Critical Power Ratio Safety Limits since the cores will be reloaded with a new fuel type, GE8X8NB, for Cycle 9 operation. These amendments also involved miscellaneous administrative changes.

**Date of issuance:** March 18, 1991

**Effective date:** These amendments are effective as of the date of startup for Cycle No. 9 for each of the units.

**Amendment Nos.:** 157 and 159  
**Facility Operating License Nos. DPR-44 and DPR-56:** Amendments revised the Technical Specifications.

**Date of initial notice in Federal Register:** February 6, 1991 (56 FR 4879) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

**Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York**

**Date of application for amendment:** June 5, 1980

**Brief description of amendment:** This amendment revises Technical Specifications Section 3.5, and the Bases to include up to a six (6) second time delay for safety injection actuation for the high steam flow signal.

**Date of issuance:** March 14, 1991

**Effective date:** March 14, 1991

**Amendment No.:** 106

**Facility Operating License No. DPR-64:** Amendment revised the Technical Specifications.

**Date of initial notice in Federal Register:** July 11, 1990 (55 FR 28481) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 14, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

**Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey**

**Date of application for amendment:** December 28, 1990

**Brief description of amendment:** This amendment replaced existing license condition 2.C.(5) regarding Bailey Solid State Logic Modules (SSLMs) with a new license condition 2.C.(5). The existing license condition 2.C.(5) requires that the licensee implement a SSLM reliability program and submit the results of the reliability program prior to the end of the first refueling outage. The new license condition 2.C.(5) requires

that the SSLM reliability program be continued for the life of the plant.

**Date of issuance:** March 13, 1991

**Effective date:** As of the date of issuance and shall be implemented within sixty days of date of issuance.

**Amendment No. 40**

**Facility Operating License No. NPF-57.** This amendment revised the License.

**Date of initial notice in Federal Register:** February 6, 1991 (56 FR 4870) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 13, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

**Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey**

**Date of application for amendments:** December 21, 1990

**Brief description of amendments:** The amendments modified the power level requirements at which turbine overspeed protection surveillance tests are performed.

**Date of issuance:** March 11, 1991

**Effective date:** For both units, as of date of issuance and shall be implemented within 60 days of the date of issuance.

**Amendment Nos. 120 and 100 Facility Operating License Nos. DPR-70 and DPR-75.** These amendments revised the Technical Specifications.

**Date of initial notice in Federal Register:** February 6, 1991 (56 FR 4871) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 11, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

**Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey**

**Date of application for amendments:** December 27, 1990

**Brief description of amendments:** These amendments deleted the Surveillance Requirement to verify auxiliary feedwater system flow paths to each steam generator prior to entry into Mode 3 and relocated the locked open manual valve list from the Surveillance Requirements to the Bases.

**Date of issuance:** March 11, 1991

**Effective date:** For both units, as of the date of issuance and shall be implemented within 60 days of the date of issuance.

**Amendment Nos. 119 and 99 Facility Operating License Nos. DPR-70 and DPR-75.** These amendments revised the Technical Specifications.

**Date of initial notice in Federal Register:** February 6, 1991 (56 FR 4872) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 11, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

**Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey**

**Date of application for amendments:** September 4, 1990 and supplemented by letter dated January 29, 1991. The January 29, 1991 supplemental letter, applicable to Salem Unit 2 only, did not increase the scope of the original amendment request and did not affect the staff's original no significant hazards consideration.

**Brief description of amendments:** Modified Technical Specification Section 2.2, Table 2.2-1 and Section 3/4.3.2, Table 3.3-4 to incorporate new trip setpoints for steam generator water level low-low and steam line pressure low.

**Date of issuance:** March 11, 1991  
**Effective date:** For Units 1 and 2 as of the date of issuance and shall be implemented within 60 days of the date of issuance.

**Amendment Nos. 121 and 101 Facility Operating License Nos. DPR-70 and DPR-75.** These amendments revised the Technical Specifications.

**Date of initial notice in Federal Register:** December 26, 1990 (55 FR 53075) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 11, 1991.

No significant hazards consideration comments received: No

**Local Public Document Room location:** Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

**Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee**

**Date of application for amendments:** November 20, 1990 (TS 90-16)

**Brief description of amendments:** The amendments modify the Sequoyah Nuclear Plant, Units 1 and 2, Technical Specifications (TSs). The proposed changes are to revise the Limiting Condition for Operation (LCO) 3.6.2.1 for the containment spray system to clarify the operability requirements for containment spray (CS) and residual heat removal (RHR) spray. This clarification is to ensure that an entire train of CS and RHR spray (i.e., all A Train or all B Train CS and RHR spray components) is operable when in the action statement for LCO 3.6.2.1. The action statement associated with this LCO would be revised to support a subsystem approach (similar to TS 3.5.1 for emergency core cooling system) that requires two independent subsystems comprised of a pump, heat exchanger, and flow path for both CS and RHR spray. In addition, the index and bases have also been revised.

**Date of issuance:** March 18, 1991  
**Effective date:** March 18, 1991  
**Amendment Nos.:** 150 - Unit 1; 140 - Unit 2

**Facility Operating Licenses Nos. DPR-77 and DPR-79.** Amendments revised the Units 1 and 2 Technical Specifications.

**Date of initial notice in Federal Register:** December 12, 1990 (55 FR 51187) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1991

No significant hazards consideration comments received: No

**Local Public Document Room location:** Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

**Notice of Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity for Hearing (Exigent or Emergency Circumstances)**

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was

not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant

to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By May 3, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in

the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room for the particular facility involved.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards

consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (Project Director): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

**Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana**

*Date of amendment request:* January 24, 1991

*Brief description of amendment:* The amendment revised the Technical Specifications by changing the surveillance requirements to accurately reflect the design characteristics of the installed shutdown cooling system suction line isolation valves.

*Date of issuance:* March 15, 1991

*Effective date:* March 15, 1991

*Amendment No.:* 66

*Facility Operating License No. NPF-38.* Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration. Yes (56 FR 8821 dated February 27, 1991). The notice provided

an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided an opportunity to request a hearing by March 29, 1991, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment.

The Commission's related evaluation, the exigent circumstances, and final no significant hazards consideration determination are contained in a Safety Evaluation dated

*Attorney for licensee:* Ernest L. Blake, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., N.W., Washington, D.C. 20037.

*Local Public Document Room location:* University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Dated at Rockville, Maryland, this 27th day of March 1991.

For the Nuclear Regulatory Commission

Edward G. Greenman,

*Acting Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation*

[Doc. 91-7698 Filed 4-2-91; 8:45 am]

BILLING CODE 7590-01-D

[Docket No. 50-341]

### Detroit Edison Co. (FERMI-2); Exemption

#### I

Detroit Edison Company (DECo, the licensee) is the holder of Facility Operating License No. NPF-43 which authorizes operation of Fermi-2 (the facility) at a steady-state power level not in excess of 3292 megawatts thermal. The facility is a boiling water reactor (BWR) located on the licensee's site in Monroe County, Michigan. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The revision to 10 CFR part 55, "Operators' Licenses," which became effective on May 26, 1987, established requirements for the administration of operating tests on nuclear power plant simulators. These regulations, in conjunction with 10 CFR 50.54(i-1), require facility licensees to use simulation facilities when administering operating tests for initial licensing and requalification. These regulations further require that a certified or NRC-approved simulation facility must be used to administer operating tests after May 26, 1991. By letter dated January 31,

1991, as supplemented March 21, 1991, DECo requested an exemption from the scheduler requirements for certification and use of a plant-referenced simulator.

#### II

The licensee intends to comply with 10 CFR 55.45(b) by certifying a plant-referenced simulator. 10 CFR 55.45(b)(2)(iii) requires that facility licensees proposing to use a simulation facility consisting solely of a plant-referenced simulator submit Form NRC-474, "Simulation Facility Certification," no later than 46 months after the effective date of this rule, that is, by March 26, 1991. On January 31, 1991, as supplemented March 21, 1991, DECo requested an exemption from this filing requirement to allow for the submittal of NRC Form-474 after March 26, 1991, but no later than December 31, 1991.

Additionally, DECo requested an exemption from the requirements of 10 CFR 55.45(b)(2)(iv) to allow the simulation facility portion of operating tests to be administered on the existing Fermi-2 simulator before the upgraded simulator is certified.

Although the existing Fermi-2 simulator has been used for operator training since 1984, DECo decided to upgrade this simulator to meet the simulation facility requirements of the May 1987 revision of 10 CFR part 55. The simulator upgrade project consisting of using the existing simulator control room panels and adding new computer hardware and software to drive the simulation and a new instructor's station.

According to DECo's original schedule, which was included in a letter to the NRC dated January 17, 1989, three major milestones were to occur in 1990. These were the upgrade of the dynamic process models, the upgrade of the control logic models, and the integration of hardware and software. The dynamic process and control logic model development milestones were completed on time in September 1990. However, during the process of hardware and software integration, several technical problems emerged that affected the schedule. Among these problems were the inability to achieve steady-state full power conditions and a problem involving the response time of some of the panel input/output devices. After performing a review of the simulator upgrade project DECo informed the NRC by letter dated December 28, 1990, that the upgraded Fermi-2 simulator could not be certified by March 26, 1991.

The only operating tests currently scheduled during the proposed exemption period are for licensed operator requalification. These tests are

scheduled for August of 1991 and the NRC will be participating. The next operating tests are also for operator requalification and are scheduled for December of 1991. The NRC will again be participating.

DECo intends to use the existing Fermi-2 simulator for the August and December 1991 operating tests. The existing Fermi-2 simulator was used for NRC-administered operating tests in December of 1990. Six candidates for upgrading their Reactor Operator (RO) licenses to Senior Reactor Operator (SRO) licenses and one licensed SRO requalification candidate were evaluated using the existing Fermi-2 simulator. No problems with the existing simulator were observed during these operating tests.

#### III

The Commission has determined, pursuant to 10 CFR 55.11, that the exemption is authorized by law and will not endanger life or property and its otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(2)(v) are applicable in that the exemption would provide only temporary relief from the applicable regulations and the licensee has made good faith efforts to comply with the regulations. The exemption grants a temporary relief period of nine months from the March 1991 date for submittal of the Fermi-2 simulation facility certification and allows the licensee to use the existing Fermi-2 simulator for the simulation facility portion of operating tests until the upgraded Fermi-2 simulator is certified. Good faith efforts to comply with the regulations were made as follows:

(1) The existing Fermi-2 simulator became operational in 1984.

(2) In December 1988, a procurement specification for the upgrade of the process models, the instructor station, and the simulator computers was issued to prospective bidders.

(3) On June 30, 1989, DECo awarded a contract to a simulator vendor for the upgrade of the Fermi-2 simulator.

(4) In September 1990, the dynamic process and control logic model development milestones were completed on schedule.

(5) By letter dated December 28, 1990, DECo informed the NRC that the simulator certification milestones would not be completed by March 26, 1991, as originally planned, primarily because the vendor was unable to meet the software and hardware integration milestone.

(6) DECo intends to certify the upgraded Fermi-2 simulator by December 31, 1991, and to use it for all subsequent operating tests.

#### IV

Accordingly, the Commission hereby grants an exemption from the scheduler requirements of 10 CFR 55.45(b)(2)(iii) for submittal of NRC Form-474, "Simulation Facility Certification." Furthermore, the Commission hereby grants an exemption from the requirement of 10 CFR 55.45(b)(2)(iv), for administration of the simulation facility portion of operating tests only on certified or approved simulation facilities after May 26, 1991, to allow DECo to use the existing Fermi-2 simulator until the upgraded Fermi-2 simulator is certified.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the quality of the human environment (56 FR 12564).

This Exemption is effective upon issuance and expires on December 31, 1991.

Dated at Rockville, Maryland this 26th day of March 1991.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-7810 Filed 4-2-91; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-302]

#### Florida Power Corp., et al. (Crystal River Unit 3); Exemption

#### I

Florida Power Corporation, et al. (FPC, the licensee) is the holder of Facility Operating License No. DPR-72, which authorizes operations of Crystal River Unit 3 (CR-3, the facility) at steady-state power levels not in excess of 2544 megawatts thermal. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect. The facility is a pressurized water reactor (PWR) located on the licensee's site in Citrus County, Florida.

The revision to 10 CFR part 55, "Operators' Licenses," which became effective on May 26, 1987, established requirements for the administration of operating tests on nuclear power plant simulators. These regulations, in conjunction with 10 CFR 50.54(i-1), require facility licensees to use simulation facilities when administering operating tests for initial licensing and

requalification. These regulations further require that a certified or NRC-approved simulation facility must be used to administer operating tests after May 26, 1991. By letter dated January 3, 1991, FPC requested an exemption from the scheduler requirements for certification of its plant-referenced simulator. Additionally, FPC requested an exemption from the requirements of 10 CFR 55.45(b)(2)(iv) to allow the simulation facility portion of operating tests to be administered on the CR-3 simulator before it is certified.

#### II

The licensee intends to comply with 10 CFR 55.45(b) by certifying a plant-referenced simulator. Section 55.45(b)(2)(iii) of 10 CFR part 55 requires that facility licensees proposing to use a simulation facility consisting solely of a plant-referenced simulator submit Form NRC-474, "Simulation Facility Certification," no later than 46 months after the effective date of this rule, that is, by March 26, 1991. By letter dated January 3, 1991, FPC requested an exemption from this filing requirement to allow for the submittal of Form NRC-474 after March 26, 1991, but no later than September 27, 1991.

FPC awarded a contract for a plant-referenced simulator in November 1986. The CR-3 simulator was delivered to the FPC Training Center in March 1990. FPC began using the CR-3 simulator for training on May 28, 1990. At that time, simulator time and manpower were allocated to address the following:

- (1) Annual licensed operator requalification training (including FPC-conducted annual requalification operating tests);
- (2) Initial licensed operator training;
- (3) Training material development and validation to support the new requalification examination format;
- (4) Simulator certification package development; and
- (5) Incorporation of plant modifications from the 1990 refueling outage.

Subsequently, the simulator time and resources devoted to operator training activities were increased while those devoted to simulator certification were correspondingly reduced. The following factors contributed to the decision to redirect these resources:

- (1) The Operations Department requested the Training Department to provide as much simulator training as possible;
- (2) FPC monitored other utilities experience with the revised NRC requalification examinations and concluded that this underscored the

need to provide as much simulator time as possible;

(3) The simulator time and manpower required to develop examination materials to support the requalification process was more than FPC had anticipated.

In accordance with 10 CFR 55.45(b)(5)(vi), any certification report must include, among other things, a description of performance testing completed for the simulation facility. As of January 3, 1991, FPC had determined the scope of performance testing required to support certification and was in the process of developing the required test procedures. Approximately 70% of the procedures had been developed and FPC had commenced the actual performance testing.

The licensee's request for exemptions is based on schedule and manpower constraints and not on actual or anticipated simulator performance problems. FPC has confidence in the ability of the CR-3 simulator to meet all technical certification requirements. This confidence is based on: Extensive factory acceptance testing, observed performance since delivery, and positive feedback from operations personnel. Additionally, the CR-3 simulator was used for NRC-administered operating tests for the initial licensing of seven reactor operator candidates in November 1990 and no problems with the simulator were observed.

Due to the reduced resources available for the conduct of the simulator performance testing and preparation of the certification package, FPC has concluded that the CR-3 simulator may not be ready for certification until after the March 26, 1991 deadline. FPC proposes to comply with 10 CFR 55.45(b) for CR-3 by certifying a plant-referenced simulator by September 27, 1991. During the period from May 28, 1991 until certification of the simulator, one set of requalification operating tests is scheduled. Currently, nine Senior Reactor Operators (SRO) and six Reactor Operators (RO) are scheduled for operating tests during the week of June 24, 1991. FPC proposes to use the CR-3 simulator for these tests even though it may not be certified at that time. No other operating tests are scheduled during the proposed exemption period.

Based on earlier factory acceptance testing, satisfactory performance since delivery, and the acknowledged benefits of using a satisfactory plant-referenced simulator for operator training and testing, the NRC staff has determined that it is acceptable to delay certification until September 27, 1991.

and to use the simulator for operator testing prior to that time.

### III

The Commission has determined, pursuant to 10 CFR 55.11, that these exemptions are authorized by law and will not endanger life or property and are otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(2)(v) are applicable in that the exemptions would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. This exemption grants a temporary relief period of six months from the March 1991 date for submittal of the CR-3 simulation facility certification. Good faith efforts to comply with the regulation were made as follows:

(1) In November 1988, six months before the effective date of the rule, FPC awarded a contract for the construction of a plant-referenced simulator.

(2) The ready-for-training date was originally scheduled for August 1989. The CR-3 simulator was actually delivered in March 1990.

(3) On May 28, 1990, FPC began to use the CR-3 simulator for training.

(4) FPC intends to use the CR-3 plant-referenced simulator for all future operating tests.

Therefore, the Commission hereby grants an exemption from the schedular requirements of 10 CFR 55.45(b)(2)(iii) for submittal of NRC Form-474, "Simulation Facility Certification." Furthermore, the Commission hereby grants an exemption from the requirement of 10 CFR 55.45(b)(2)(iv), for administration of the simulation facility portion of operating tests only on certified or approved simulation facilities after May 26, 1991, to allow FPC to use the CR-3 simulator for this purpose before it is certified. These exemptions are effective until September 27, 1991.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemptions will have no significant impact on the environment (56 FR 12565).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 26th day of March 1991.

For the Nuclear Regulatory Commission,  
Steven A. Varga,

Director, Division of Reactor Projects I/II,  
Office of Nuclear Reactor Regulation.

[FR Doc. 91-7812 Filed 4-2-91; 8:45am

BILLING CODE 7590-01-M

## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

**FOR FURTHER INFORMATION CONTACT:** John Daley, (202) 606-0950.

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management published its last monthly updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on March 12, 1991 (55 FR 12973). Individual authorities established or revoked under Schedules A and B and established under Schedule C between February 1 and February 28, 1991, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30, 1991.

#### Schedule A

The following exception was established:

##### *National Endowment for the Arts*

One position of Assistant Director of Inter-Arts Program. Effective February 6, 1991.

#### Schedule B

The following exception was established:

##### *Department of the Air Force*

One position of Director of Development and Alumni Programs, with the U.S. Air Force Academy, Colorado. Effective February 6, 1991.

#### Schedule C

##### *Arms Control and Disarmament Agency*

One Congressional Affairs Specialist to the Director, Office of Congressional Affairs. Effective February 7, 1991.

One Secretary (Typing) to the Assistant Secretary, Multilateral Affairs Bureau. Effective February 15, 1991.

One Special Assistant to the Director of Public Affairs. Effective February 21, 1991.

One Secretary (Typing) to the Chairman, General Advisory Committee. Effective February 28, 1991.

##### *Department of Agriculture*

One Confidential Assistant to the Director, Legislative Affairs and Public Information Staff, Office of the Administrator, Farmers Home Administration. Effective February 7, 1991.

One Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective February 25, 1991.

##### *Commission on Civil Rights*

One Special Assistant to a Commissioner. Effective February 1, 1991.

One Special Assistant to a Commissioner. Effective February 11, 1991.

##### *Department of Commerce*

One Congressional Liaison Assistant to the Deputy Assistant Secretary for Legislative and Intergovernmental Affairs. Effective February 4, 1991.

One Congressional Liaison Specialist to the Director, Congressional Affairs. Effective February 7, 1991.

One Confidential Assistant to the Assistant Secretary for Trade Development. Effective February 11, 1991.

One Confidential Assistant to the Special Assistant and Director of Operations. Effective February 15, 1991.

One Confidential Assistant to the Deputy Under Secretary for International Trade. Effective February 25, 1991.

One Confidential Assistant to the Deputy Assistant Secretary for Automotive and Consumer Goods. Effective February 28, 1991.

One Special Assistant to the Under Secretary for Travel and Tourism. Effective February 28, 1991.

One Director for Strategic Resource Management to the Deputy Assistant Secretary for Program Support. Effective February 28, 1991.

One Director of Congressional Affairs to the Under Secretary for International Trade. Effective February 28, 1991.

##### *Department of Defense*

One Special Assistant for Environmental Programs to the Deputy Assistant Secretary for Environment. Effective February 25, 1991.

One Assistant for Political-Military Analysis and Strategic Assessment to the Deputy Assistant Secretary for Special Operations and Low Intensity Conflict. Effective February 28, 1991.

One Personal and Confidential Assistant to the Assistant Secretary (Reserve Affairs). Effective February 28, 1991.

One Private Secretary to the Director of Net Assessment. Effective February 28, 1991.

#### *Department of Education*

One Special Assistant to the Deputy Assistant Secretary for Higher Education Programs. Effective February 7, 1991.

One Special Assistant to the Administrator for Management. Effective February 7, 1991.

One Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective February 15, 1991.

One Special Assistant to the Secretary. Effective February 25, 1991.

#### *Department of Energy*

One Deputy Director for Education Initiatives to the Director, Office of Special Projects. Effective February 21, 1991.

One Staff Assistant to the Director, Office of Special Projects. Effective February 21, 1991.

One Staff Assistant to the Director, Office of Special Projects. Effective February 25, 1991.

One Staff Assistant to the Director, Office of Scheduling and Logistics. Effective February 25, 1991.

One Confidential Assistant to the Executive Director, Secretary of Energy Advisory Board. Effective February 25, 1991.

Three Staff Assistants to the Director of Administration and Human Resource Management. Effective February 25, 1991.

One Advance Coordinator to the Director, Office of Scheduling and Logistics. Effective February 28, 1991.

#### *Environmental Protection Agency*

One Special Assistant to the Assistant Administrator, Office of Policy, Planning and Evaluation. Effective February 21, 1991.

#### *Department of Transportation*

One Congressional Liaison Officer to the Director, Office of Congressional Liaison Officer to the Director, Office of Congressional Affairs. Effective February 19, 1991.

One Staff Assistant to the Assistant Secretary, Governmental Affairs. Effective February 21, 1991.

One Deputy to the Director, Office of Congressional Affairs. Effective February 25, 1991.

One Staff Assistant to the Chief of Staff. Effective February 28, 1991.

#### *Farm Credit Administration*

One Special Assistant to a Member, Farm Credit Administration Board. Effective February 25, 1991.

#### *Federal Emergency Management Agency*

One Secretary to the Director. Effective February 6, 1991.

#### *General Services Administration*

One Confidential Assistant to the Associate Administrator for Congressional Affairs. Effective February 11, 1991.

One Confidential Assistant to the Regional Administrator, Region 3. Effective February 15, 1991.

One Confidential Assistant to the Associate Administrator for Operations and Industry Relations. Effective February 21, 1991.

#### *Department of Health and Human Services*

One Director of Speechwriting to the Deputy Assistant Secretary for Public Affairs (media). Effective February 1, 1991.

One Special Assistant to the Director, Office of Family Assistance. Effective February 28, 1991.

#### *Department of Housing and Urban Development*

One Executive Assistant to the Regional Administrator, Region I, Regional Housing Commission. Effective February 21, 1991.

#### *Department of the Interior*

One Special Assistant to the Assistant to the Secretary and Director, External Affairs. Effective February 21, 1991.

#### *Department of Labor*

One Confidential Assistant to the Secretary. Effective February 21, 1991.

One Special Assistant to the Chief of Staff. Effective February 21, 1991.

One Staff Assistant to the Assistant Secretary for Public Affairs. Effective February 21, 1991.

One Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective February 21, 1991.

#### *National Transportation Safety Board*

One Special Assistant to a Board Member. Effective February 8, 1991.

One Secretary to the Chairman. Effective February 15, 1991.

#### *Small Business Administration*

One Deputy to the Assistant Administrator for Congressional and Legislative Affairs. Effective February 8, 1991.

One Deputy to the Assistant Administrator for Public Communications. Effective February 8, 1991.

#### *Securities and Exchange Commission*

One Secretary (Steno) to the Director of Investment Management. Effective February 8, 1991.

One Secretary (Typing) to the General Counsel. Effective February 21, 1991.

#### *Department of State*

One Special Adviser to the Assistant Secretary for Inter-American Affairs. Effective February 1, 1991.

One Secretary (Typing) to the Assistant Secretary, Bureau of Economic and Business Affairs. Effective February 21, 1991.

#### *Department of the Treasury*

One Director, Office of Public Affairs to the Deputy Assistant Secretary (Public Affairs). Effective February 1, 1991.

One Review Assistant to the Executive Secretary. Effective February 15, 1991.

#### *United States Information Agency*

One Special Assistant to the Associate Director for Management. Effective February 6, 1991.

#### *Department of Veterans Affairs*

Two Special Assistants to the Assistant Secretary for Acquisition and Facilities. Effective February 15, 1991.

Authority: 5 U.S.C. 3301; E.O. 10555, 3 CFR 1954-1958 Comp, P.218

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 91-7774 Filed 4-2-91; 8:45 am]

BILLING CODE 5325-01-M

## **OFFICE OF SCIENCE AND TECHNOLOGY POLICY**

### **National Advisory Committee on Semiconductors**

The National Advisory Committee on Semiconductors and the Office of Science and Technology Policy (OSTP) will co-sponsor a workshop focusing on technology development at the scale of 0.125 microns. The workshop will be held on April 23-25, 1991, at the Holiday Inn, Interstate 40 and Page Road, Morrisville, North Carolina.

The purpose of the National Advisory Committee on Semiconductors (NACS) is to devise and promulgate a national semiconductor strategy, including research and development. The

workshop will provide information to NACS and the Office of Science and Technology Policy (OSTP) for development of that strategy.

The opening session of the workshop will extend from 1 p.m. until 4 p.m. on April 23. Presentations will cover the workshop charge, goal and procedures. On April 24 subgroups will hold six parallel sessions each dealing with different aspects of the technology. The final session on April 25 will meet from 8 a.m. until 12 noon to review the results of the working groups.

The opening session of the meeting is open to the public, but since the capacity of the meeting room is limited, advance notice of intent to attend is required. The remainder of the meeting will be closed pursuant to 5 U.S.C. 552b.(c)(4) and (9)(B). Discussions will likely include matters of commercial interest. Inquiries and notice of intent to attend the open session may be addressed to Dr. William W. Troutman, AT&T Bell Laboratories, 600 Mountain Avenue, Murray Hill, 07974, (201/582-5434).

Dated: April 1, 1991.

Damar W. Hawkins,

*Executive Assistant to D. Allan Bromley,  
Office of Science and Technology Policy.*

[FR Doc. 91-7853 Filed 3-29-91; 4:20 p.m.]

BILLING CODE 3170-01-M

## POSTAL RATE COMMISSION

[Docket No. SS91-1]

### Third-Class Nonprofit Mail: Commission Review and Recommendations, Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 28, 1991.

Before Commissioners: George W. Haley, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; W.H. "Trey" LeBlanc III; Patti Birge Tyson.

The Postal Rate Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of the submission may be obtained from the Secretary of the Commission. For further information, contact Charles L. Clapp, Postal Rate Commission (202) 789-6840. Members of the public are invited to comment on the proposed collection of information. Send comments to Maya A. Bernstein, Postal Rate Commission Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 3235 New Executive Office Building, 725 17th Street, NW, Washington, D.C. 20503. Members of the public planning to comment should notify Ms. Bernstein by April 17, 1991 by phone at (202) 395-3785, by facsimile at (202) 395-7285, or by mail

to the address above. Comments received after this date may not be considered.

OMB Number: 3200.

Title: Assignment of Authorization.

Docket Number: SS91-1.

Action: Information Collection.

Respondents: Households.

Frequency of response: One-time study.

Estimated Annual Burden: Initial screening: Approximately 4000 telephone contacts, averaging approximately five minutes. Data collection stage: Approximately 1250 participating households, with average burden for the collection period of one hour or less.

Needs and Uses: The Commission is undertaking this information collection to facilitate compliance with a letter of request from the Committee on Appropriations of the United States Senate for a report on the use and characteristics of bulk third-class nonprofit mail. The request is based on the Senate Appropriations Committee report accompanying H.R. 5241, which expresses the Committee's intent to have the Postal Rate Commission study the uses of subsidized revenue foregone mail.

As part of this effort, the Commission intends to conduct a survey of approximately 1250 randomly selected households in the continental United States. The survey will be executed in two stages: in an initial screening, participating households will be recruited by telephone; in the second stage, a designated member of the household (the reporter) will collect nonprofit third-class mail for a seven-day period. At the conclusion of third-class mail for a seven-day period. At the conclusion of the seven-day period, the reporter will send the collected mail to a Commission-authorized firm. The information will be coded and tabulated by the firm. The Commission will make use of this information in its public report to the Senate. This approach has been selected as the most feasible option, given time constraints, for the following reasons: It avoids the possibility of self-selection if mail is obtained directly from sender; it eliminates confidentiality concerns; it enhances statistical reliability through random selection of household; allows comparisons to the Commission's 1986 study; and is cost effective.

Charles L. Clapp,

Secretary.

[FR Doc. 91-7770 Filed 4-2-91; 8:45 am]

BILLING CODE 7710-FW-M

[Docket No. SS91-1]

### Third-Class Nonprofit Mail; Commission Review and Recommendations; George W. Haley, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; W.H. "Trey" LeBlanc III; Patti Birge Tyson.

March 28, 1991.

Before Commissioners:

The Postal Rate Commission is undertaking a study of the use of third-class nonprofit mail at the request of the Committee on Appropriations of the U.S. Senate and its Subcommittee on Treasury, Postal Service and General Government. The full text of the request, transmitted in a January 29, 1991 letter to the Chairman of the Postal Rate Commission, and an excerpt from the Committee Report accompanying H.R. 5241 appear as attachments. In pertinent part, the letter states:

We urge the Commission to include in its reports as many recommendations as possible to curb abuses of subsidized mail, as well as to compile a data base on the advertisements in those mailstreams. The Commission, if time permits, may wish to compare the uses of subsidized mail today with the findings included in the 1986 Commission study on nonprofit mail uses. In the course of conducting this study, we hope that your agency will solicit the views of organizations which have an interest in subsidized nonprofit mailings.

The Commission is establishing *Docket No. SS91-1, Third-Class Nonprofit Mail: Review and Recommendations to carry out the study.*

### Public Participation: Invitation for Written Submissions

The Commission welcomes the participation of interested persons and organizations in its review of third-class nonprofit mail and in the development of recommendations. In light of the June 30, 1991 deadline, the Commission believes written submissions addressing the Committee's concerns and other related matters will provide the most effective method of participation. The Commission does not contemplate holding public hearings.

Consideration and evaluation of written submissions will form a material part of the Commission's report. Submissions may take any form deemed suitable by commenters, such as statements, legal briefs or memoranda, draft legislation, surveys, polls, petitions, or letters. Content should be reasonably related to bulk third-class nonprofit mail's preferred (subsidized) rate status and the ramifications of public policy changes affecting

eligibility for these rates, the amount and method of calculating the subsidy, and other relevant issues, such as whether abuse occurs.

The Commission notes that it also intends to conduct a household survey of third-class nonprofit mail in connection with the Committee's request. A Commission contractor will coordinate all contacts with the public to insure confidentiality, random selection and statistical reliability. The Commission's analysis of the survey results will also be included in the Commission's report.

In order to allow time for full consideration of the views of the public in the development of recommendations and preparation of the Commission's report, written submissions should be filed by May 3, 1991. Submissions should be sent to the attention of Charles L. Clapp, Secretary, Postal Rate Commission, 1333 H Street, NW., suite 300, Washington, DC 20268-0001. They will be maintained in a public file and will be available for inspection at the Commission on weekdays between 8 a.m. and 5 p.m. A copy of the June 18, 1986 Commission study referred to in the Senate request (*Report to the Congress: Preferred Rate Study*) is also available for review at the Commission. Persons interested in obtaining copies should contact Charles L. Clapp at (202) 789-6840 or at the address set out above.

Charles L. Clapp,  
Secretary.

#### ATTACHMENT A

The Senate report on H.R. 5241 included the following statement:

##### *Postal Rate Commission Study: Eligibility Requirements*

The Committee continues to be concerned about the growing number of abuses in the review foregone program. In order to determine the extent to which subsidized mail is currently being used for purposes not originally intended by the Congress, the Committee requests the Postal Rate Commission to complete an assessment of the types and number of mailings which advertise or promote the sale of, recommended the purchase of, or announce the availability of any article, product, service, insurance, or travel arrangements. The Committee further requests the Postal Rate Commission to develop recommendations for curbing these and other abuses of the reduced rate mailing privileges and report to the Committee by no later than June 30, 1991.

January 29, 1991.

Mr. George W. Haley,  
Chairman, Postal Rate Commission, 1333 H Street, NW, Suite 300, Washington, DC 20268-0001

Dear Chairman Haley: As you know, the Senate Committee report accompanying H.R.

5241 reflects the Committee's intent to have the Postal Rate Commission conduct a study on the uses of subsidized revenue foregone mail and report to the Committee its findings by June 30, 1991. We are writing to officially convey that request.

Due to the limitations on your time and resources, we believe that the Commission should report on nonprofit bulk third-class by June 30, 1991. A report on the uses of other subsidized mail categories may be completed at a later date.

We urge the Commission to include in its reports as many recommendations as possible to curb abuses of subsidized mail, as well as to compile a data base on the advertisements in those mailstreams. The Commission, if time permits, may wish to compare the uses of subsidized mail today with the findings included in the 1986 Commission study on nonprofit mail uses. In the course of conducting this study, we hope that your agency will solicit the views of organizations which have an interest in subsidized non-profit mailings.

We greatly appreciate your cooperation in conducting this study.

Sincerely,

Dennis DeConcini,

*United States Senator, Chairman  
Subcommittee on Treasury, Postal Service  
and General Government.*

Peter V. Domenici,

*United States Senator, Ranking Member,  
Subcommittee on Treasury, Postal Service  
and General Government.*

[FR Doc. 91-7771 Filed 4-2-91; 8:45 am]

BILLING CODE 7710-FW-M

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-29016; File No. SR-NASD-90-28]

##### **Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the Use and Disclosure of Member Names**

The National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted on April 26, 1990<sup>1</sup> to the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and rule 19b-4 thereunder.<sup>3</sup> The proposal amends Article III, section 35 of the NASD's Rules of Fair Practice to establish both general and specific standards governing the manner in which NASD member names must be disclosed in communications with the public. The rule includes a limited exception for use of a member firm's

"derivative" name to promote certain areas of the firm's business. This order approves the proposed rule change, as amended.

Notice of the proposal together with its terms and substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 28041, May 22, 1990) and publication in the *Federal Register* (55 FR 21994, May 30, 1990). Notice of the filing of Amendment No. 1 to the proposed rule change also was given by the issuance of a Commission release (Securities Exchange Act Release No. 28857, February 5, 1991) and publication in the *Federal Register* (56 FR 5718, February 12, 1991).

Article III, section 35 of the NASD Rules of Fair Practice governs members' communications with the public. Among the standards set forth in the rules are requirements that all advertising and sales literature contain the name of the NASD member. In recent years, concern has developed over the use and disclosure of members' names in other types of communications with the public as well, such as business cards and letterhead. This concern is illustrated in three types of situations: (1) Increasingly, the names of both NASD member firms and nonmember entities appear in single advertisements or items of sales literature and communications that have included the names of both the member and nonmember entities have done so in ways that made it difficult for members of the public to identify which entity is actually offering securities; (2) an individual affiliated with member and nonmember entities is named in public communications, but the nature of the individual's relationships with the named member and nonmember entities is left unclear; and (3) firms using fictitious names or variations upon member names which can make it difficult for members of the public to determine the identity of the NASD member with which they are dealing. The proposed rule approved herein provides both general and specific rules that would require clear and prominent disclosure of information in communications with the public that would rectify these concerns.

Three comment letters were received on the proposed rule change as originally published by the Commission.<sup>4</sup> Commentators Shearson

<sup>4</sup> See letters to Jonathan G. Katz, Secretary, SEC, from David S. Hershberg, Vice Chairman, Shearson Lehman Hutton ("Shearson Lehman"), dated June 19, 1990; Sarah A. Miller, Senior Government Relations Counsel, American Bankers Association, dated June 20, 1990; and Kenneth S. Spier, General Counsel, Merrill Lynch Consumer Markets ("Merrill Lynch"), dated June 28, 1990.

<sup>1</sup> Amendment No. 1 to the proposed rule change was filed on January 28, 1991.

<sup>2</sup> 15 U.S.C. 78s(b)(1) (1982).

<sup>3</sup> 17 CFR 240.19b-4 (1989).

Lehman and Merrill Lynch both criticized section 35(g)(3)(B) of the original proposed rule change, which strictly controlled the use of "umbrella" designations to promote name recognition and the use of altered versions of the firm name to promote certain areas of a firm's business. In response to these comments, the NASD met with industry members, which led to the issuance of Amendment No. 1 to the rule filing. Amendment No. 1 added subsection (g)(3)(C) which creates an exception that allows less restrictive use of a "derivative" name of the firm to promote specific areas of a firm's business. No comments were received with respect to the publication of Amendment No. 1 to the proposed rule change.

The Commission believes that the NASD has responded adequately to the comment letters received after publication of the original rule filing. Amendment No. 1, which allows the use of a derivative of the firm name to promote certain areas of a firm's business, provides an appropriate balance between the desire to protect members of the public from confusion over which entity is offering which securities products and allowing member firms latitude in continuing to market those products under derivative names that allow them to maximize name recognition. Additionally, the Commission believes that the rule change as a whole will afford additional protection to members of the investing public by limiting the potential for confusion in communications between industry members and the public.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A(b)(6) <sup>5</sup> which requires, in part, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principle of trade, and, in general, to protect investors and the public interest.

Finally, it should be noted that the NASD will provide its members with sufficient time to consume existing supplies of business stationery such as letterhead, business cards, confirmation forms, and similar printed material. Accordingly, insofar as the proposed amendment affects printed business stationery, the amendment will not take effect until six months after the publication of a Notice to Members

announcing Commission approval of the rule change. In all other respects, however, the rule change will become effective 30 days after the publication of a Notice to Members announcing Commission approval of the amendment.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.<sup>6</sup>

Dated: March 27, 1991.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 91-7772 Filed 4-2-91; 8:45 a.m.]

BILLING CODE 8010-01-M

[Release No. IC-18068; File No. 811-4378]

### Indianapolis Life Series Fund, Inc.

March 27, 1991.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Indianapolis Life Series Fund, Inc.

**RELEVANT 1940 ACT SECTION:** Order requested under section 8(f).

**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application was filed on February 6, 1990 and amended on February 27, 1991.

**HEARING OR NOTIFICATION OF HEARING:** If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any request must be received by 5:30 p.m. on April 22, 1991. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send a copy to the Secretary of the SEC along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC 450 5th Street, N.W., Washington, DC 20549; Applicant, P.O. Box 1230, Indianapolis, Indiana 46204.

**FOR FURTHER INFORMATION CONTACT:** Joyce M. Pickholz, Attorney, at (202) 272-3046 or Nancy M. Rappa, Senior

Attorney, at (202) 272-2622, Office of Insurance Products and Legal Compliance (Division of Investment Management).

### SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

### Applicant's Representations

1. Applicant, an open-end investment company, was organized under the laws of the State of Maryland. On August 9, 1985, Applicant filed a notification of registration as an investment company on Form N-8A and a registration statement on Form N-1A (File No. 2-99568). The securities registered under the registration statement include an indefinite amount of three classes of common stock divided into the following classes: Equity Fund, Bond Fund and Money Market Fund. The registration statement was declared effective on January 31, 1986.

2. Indianapolis Life Insurance Company ("ILICo") provided the initial capital for the Applicant and shares of each of the Applicant's three series have been sold to ILICo.

3. ILICo filed a registration statement for variable life policies and, in connection therewith, filed a registration statement for a separate account organized as a unit investment trust. The registration statement for the variable life policies was never declared effective and the separate account was deregistered pursuant to section 8(f) of the Act. The shares owned by ILICo were allocated to its Variable Account G, which was used to fund certain group variable annuity contracts, but the vast majority of the assets in Variable Account G were attributable to the seed money provided by ILICo. The Variable Account G contracts were exempt for registration pursuant to section 3(a)(2) of the Securities Act of 1933, and Account G was excluded from the definition of an investment company by section 3(c)(11) of the Act. During 1989, all annuity contract holders either surrendered their contracts or transferred the cash values to ILICo's general account.

4. On October 25, 1989, the Board of Directors of the Applicant adopted a resolution approving and authorizing the dissolution of the Applicant, and the resolution was approved by vote of two-thirds of the voting securities of the Corporation on December 20, 1989. Effective after the close of trading on December 20, 1989, the Applicant ceased conducting any business except for that

<sup>5</sup> 15 U.S.C. 78o-3 (1982).

<sup>6</sup> 17 CFR 200.30-3(a)(12) (1989).

related to dissolution of Applicant. Between November 20, and December 21, 1989, Applicant sold each of its portfolios of investment securities in the open market for cash. The proceeds of such sale after payment of all liabilities were distributed to ILICO in liquidation. All shares of Applicant have been redeemed in complete cancellation of such shares. Since the distribution to ILICO of the proceeds from the sale of the portfolio and other assets and other funds of each of the Applicant's portfolios, all of the issued and outstanding shares are deemed to be retired, canceled, and no longer outstanding, and ILICO has ceased to be a shareholder with respect to such shares.

5. On December 22, 1989, the Applicant filed Articles of Dissolution with the Maryland Department of Taxation and Assessments which were effective upon receipt by the Department.

6. During the last 18 months, Applicant has not, for any reason, transferred any of its assets to a separate trust. At the time the application was filed, the Applicant retained no assets. The Applicant does not have any debts or other liabilities which remain outstanding and is not a party to any litigation or administrative proceedings.

7. All legal, accounting and other expenses incurred in connection with the liquidation will be borne by Indianapolis Life Investment Management, Inc., Applicant's investment adviser.

8. The Applicant has no security holders and is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-7773 Filed 4-2-91; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD1 91-027]

#### New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463; 5 USC App. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on April 18, 1991, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park, New York, New York, beginning at 10:00 a.m.

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Update of Marine Events.
3. Update of dredging operations in New York Harbor.
4. Update on Vessel Traffic Service.
5. Change to Federal Anchorage Regulations due to establishment of Restricted Area, New York Harbor, Staten Island, NY.
6. Topics of the floor.
7. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the Harbor. Members of the committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should also notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander J.E. Bussey, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, Vessel Traffic Service, Building 333 Third floor, Governors Island, New York, NY 10004; or by calling (212) 668-7429.

Dated: March 29, 1991.

J.W. Lockwood,

Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 91-7917 Filed 4-1-91; 11:56 am]

BILLING CODE 491-014-M

## Federal Aviation Administration

[Proposed Advisory Circular 25.703-1]

### Takeoff Configuration Warning Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability of proposed Advisory Circular 25.703-1, and request for comments.

**SUMMARY:** This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidance for the certification of takeoff configuration warning systems on transport category airplanes. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

**DATES:** Comments must be received on or before August 1, 1991.

**ADDRESSES:** Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM-110, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Ave. SW., Renton, Washington 98055-4056. Comments may be inspected at the above address between 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jan Thor, Transport Standards Staff, at the address above, telephone (206) 227-2127.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under "FOR FURTHER INFORMATION CONTACT." Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25.703-1 and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

##### Background

Advisory Circular 25.703-1 provides guidance material for the certification of takeoff configuration warning systems on transport category airplanes. A number of airplane accidents have occurred where the airplane was not properly configured for takeoff and no warning was provided to the flightcrew by the takeoff configuration warning system. Investigations of these accidents have indicated a need for guidance material for design and approval of these systems.

The initial notice announcing the availability of, and requesting comments on, draft AC 25.703-1 was published in the Federal Register on September 15,

1989 (54 FR 38317). The comment period closed on January 15, 1990. As a result of comments received from industry, the airlines and the Joint Aviation Authorities (JAA), the draft AC was revised extensively, and is being made available once again for public comment.

Issued in Renton, Washington, on March 19, 1991.

**Leroy A. Keith,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

[FR Doc. 91-7787 Filed 4-2-91; 8:45 am]

BILLING CODE 4910-13-M

**[Summary Notice No. PE-91-14]**

**Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before April 23, 1991.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

**FOR FURTHER INFORMATION CONTACT:** Miss Jean Casciano, Office of

Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9683.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 28, 1991.

**Deborah Swank,**

*Acting Manager, Program Management Staff, Office of the Chief Counsel.*

**Petitions for Exemption**

Docket No.: 22469.

Petitioner: Parks College of St. Louis University.

Sections of the FAR Affected: 14 CFR part 141, appendixes A, C, D, and F. Description of Relief Sought: To extend Exemption No. 3495, as amended, which allows petitioner to train students to a performance standard rather than to minimum flight time requirements, except for solo cross-country flights. Exemption No. 3495, as amended, will expire on August 31, 1991.

Docket No.: 22706.

Petitioner: Bankair Inc.

Sections of the FAR Affected: 14 CFR 135.225(e)(1).

Description of Relief Sought: To extend Exemption No. 5090, which allows petitioner's pilots to operate their aircraft from Myrtle Beach Air Force Base and Beaufort Marine Corps Air Station using takeoff visibility minimums, subject to the approval of the appropriate military authority, that are less than 1 mile and are equal to or greater than the landing visibility minimums established for those airfields. Exemption No. 5090 will expire on August 31, 1991.

Docket No.: 22872.

Petitioner: Air Transport Association of America.

Sections of the FAR Affected: 14 CFR 61.157; 121.424; part 61, appendix A; and part 121, appendixes E and F.

Description of Relief Sought: To extend Exemption No. 4416, as amended, which allows continued authorization for operators to conduct the required preflight inspection using approved advanced pictorial means.

Docket No.: 23477.

Petitioner: Experimental Aircraft Association.

Sections of the FAR Affected: 14 CFR 103.1.

Description of Relief Sought: To extend Exemption No. 3784, as amended, which allows petitioner's members to operate powered ultralight vehicles at an empty weight of more than 254

pounds, that have a power-off stall speed of more than 24 knots calibrated airspeed, and with two occupants for the purpose of flight instruction.

Docket No.: 25638.

Petitioner: Midway Airlines, Inc., dba Midway Commuter.

Sections of the FAR Affected: 14 CFR 135.429(a) and 135.435.

Description of Relief Sought: To extend Exemption No. 5083, which allows petitioner to use certain components, parts, and accessories that had maintenance, preventive maintenance, or alterations performed by the foreign original equipment manufacturers for the Dornier DO 228-202 aircraft.

Docket No.: 26440.

Petitioner: Falcon Jet Corporation.

Sections of the FAR Affected: 14 CFR 47.65 and 47.69(b).

Description of Relief Sought: To allow petitioner to obtain a Dealer's Aircraft Registration Certificate without meeting the U.S. citizenship requirements and to conduct limited flights outside of the United States under a Dealer's Aircraft Registration Certificate.

Docket No.: 26474.

Petitioner: Deer & Company.

Sections of the FAR Affected: 14 CFR 21.197(a)(1).

Description of Relief Sought: To allow petitioner to operate a Cessna Aircraft Company Model CE-650, N400JD, Serial Number 650-0035, without having to obtain a special flight permit to ferry the aircraft with the flaps retracted to a location where it can be repaired.

Docket No.: 26490.

Petitioner: Delta Air Lines, Inc.

Sections of the FAR Affected: 14 CFR 121.310(m).

Description of Relief Sought: To allow petitioner to operate L-1011-385-3 aircraft without conforming to the 60-foot distance requirement between emergency exits.

Docket No.: 26496.

Petitioner: Beech Aircraft Corporation.

Sections of the FAR Affected: 14 CFR 25.562(b).

Description of Relief Sought: To allow lesser seat track misalignments during dynamic seat testing because of narrow seat tracks.

Docket No.: 26498.

Petitioner: Universal Airlines, Inc.

Sections of the FAR Affected: 14 CFR 91.313 and 121.157.

Description of Relief Sought: To allow petitioner to operate restricted category C-119 aircraft for the

purpose of transporting oversized cargo to and from remote locations in Alaska for compensation or hire.

*Docket No.:* 26504.

*Petitioner:* Arnold Aviation.

*Sections of the FAR Affected:* 14 CFR 43.3(g).

*Description of Relief Sought:* To allow petitioner's pilots to convert aircraft cabins from passenger to cargo configurations, and the reverse, using the aircraft manufacturer's instructions for guidance when such aircraft are specifically designed to be so converted.

*Docket No.:* 26507.

*Petitioner:* Llano Estacado Soaring Society.

*Sections of the FAR Affected:* 14 CFR 61.3 and 91.203.

*Description of Relief Sought:* To allow foreign-built gliders and foreign pilots to practice for and participate in the 15-meter National Soaring Championships from June 12 through 28, 1991, in Hobbs, New Mexico.

*Docket No.:* 26510.

*Petitioner:* Enstrom Helicopter Corporation.

*Sections of the FAR Affected:* 14 CFR 47.65.

*Description of Relief Sought:* To allow petitioner to obtain a Dealer's Aircraft Registration Certificate without meeting the U.S. citizenship requirements.

#### Dispositions of Petitions

*Docket No.:* 23147.

*Petitioner:* Boeing Commercial Airplane Company.

*Sections of the FAR Affected:* 14 CFR 91.515(a)(1).

*Description of Relief Sought/*

*Disposition:* To allow petitioner to conduct noise measurement tests, ground proximity warning systems research and development, and FAA certification flight tests at altitudes lower than 1,000 feet above the surface. *Grant, March 11, 1991. Exemption No. 4783B.*

*Docket No.:* 24052

*Petitioner:* U.S. Navy Flight Demonstration Squadron (The Blue Angels).

*Sections of the FAR Affected:* 14 CFR 91.117 (a) and (b), 91.119(c), and 91.303 (c) and (d).

*Description of Relief Sought/*

*Disposition:* FAA-initiated amendment and extension of Exemption No. 4504, as amended, which permits the petitioner's pilots to conduct airshow rehearsals involving low-level, high-speed, and acrobatic flight subject to certain conditions and limitations. The amendment is

necessary because of changes that have occurred in the operating environment of El Centro, California. *Grant, March 13, 1991. Exemption No. 4504B.*

*Docket No.:* 26105.

*Petitioner:* Sundstrand Data Control, Inc.

*Sections of the FAR Affected:* 14 CFR 91.42(a)(1), (c), and (3) and 21.191.

*Description of Relief Sought/*

*Disposition:* To allow petitioner to carry on its experimental aircraft company personnel and occasionally some company equipment for company business purposes. *Denial, March 20, 1991. Exemption No. 5291.*

*Docket No.:* 26164.

*Petitioner:* National Aeronautic Association.

*Sections of the FAR Affected:* 14 CFR 135.251 and 135.353.

*Description of Relief Sought/*

*Disposition:* To allow exclusion of part-time instructors and other individuals who earn less than \$2,500 a calendar year from the requirements of §§ 135.251 and 135.353. *Denial, March 11, 1991. Exemption No. 5286.*

*Docket No.:* 26193.

*Petitioner:* Aircraft Owners and Pilots Association.

*Sections of the FAR Affected:* 14 CFR part 121, appendix I and III(c) and (f) and § 135.1(b).

*Description of Relief Sought/*

*Disposition:* To allow relief, particularly economic, from random drug-testing requirements for Group C commercial aircraft operators, specifically part-time flight instructors. *Denial, March 14, 1991. Exemption No. 5287.*

*Docket No.:* 26375.

*Petitioner:* Sea Air Shuttle Corporation dba Virgin Islands Seaplane.

*Sections of the FAR Affected:* 14 CFR 135.175(a).

*Description of Relief Sought/*

*Disposition:* To amend Exemption No. 5254, which allows petitioner to conduct flights over visual flight rules without airborne radar installed over certain routes, subject to conditions and limitations. The amendment would add two routes to the exemption: San Juan to and from the British Virgin Islands and San Juan to and from St. John. *Grant, March 1, 1991. Exemption No. 5254A.*

*Docket No.:* 26406.

*Petitioner:* USAir, Inc.

*Sections of the FAR Affected:* 14 CFR 121.337(d)(2).

*Description of Relief Sought/*

*Disposition:* To allow petitioner until July 31, 1991, to meet the protective breathing equipment requirements for

flight crewmembers. The compliance date for providing protective breathing equipment on the flight deck is January 31, 1991. *Denial, March 21, 1991. Exemption No. 5290.*

[FR Doc. 91-7788 Filed 4-2-91; 8:45 am]

BILLING CODE 4910-13-M

## National Highway Traffic Safety Administration

### Automotive Fuel Economy Program; Report to Congress

The attached document, Automotive Fuel Economy Program, Fifteenth Annual Report to the Congress, has been prepared pursuant to section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163) which requires in pertinent part that "each year beginning 1977, the Secretary shall transmit to each House of Congress, and public in the Federal Register, a review of average fuel economy standards under this part."

Barry Felrice,

Associate Administrator for Rulemaking.

### Automotive Fuel Economy Program

Fifteenth Annual Report to the Congress  
January 1991

#### Table of Contents

Section I: Introduction  
Section II: Fuel Economy Improvement by Manufacturers  
Section III: 1990 Activities  
Section IV: Use of Advanced Technology

#### Section I: Introduction

This Fifteenth Annual Report to the Congress summarizes the activities of the National Highway Traffic Safety Administration (NHTSA) during 1990 regarding implementation of applicable sections of title V: "Improving Automotive Fuel Efficiency," of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended (the Act). Section 502(a)(2) of the Act requires submission of a report each year. Included in this report are sections summarizing rulemaking activities during 1990 and a discussion of the use of advanced automotive technology by the industry as required by section 305, title III of the Department of Energy Act of 1978 (Pub. L. 95-238).

Title V of the Act requires the Secretary of Transportation to administer a program for regulating the fuel economy of new passenger cars and light trucks in the United States (U.S.) market. The authority to administer the

program has been delegated by the Secretary to the Administrator of NHTSA, 49 CFR 1.50(f).

NHTSA's responsibilities in the fuel economy area include:

(1) Establishing and amending average fuel economy standards for manufactures of passenger cars and light trucks, as necessary;

(2) Promulgating regulations concerning procedures, definitions, and reports necessary to support the fuel economy standards;

(3) Considering petitions for exemption from established fuel economy standards by low volume manufacturers (those producing fewer than 10,000 passenger cars annually worldwide) and establishing alternative standards for them;

(4) Preparing reports to Congress annually on the fuel economy program;

(5) Enforcing fuel economy standards and regulations; and

(6) Responding to petitions concerning domestic production by foreign manufacturers and other matters.

Passenger car fuel economy standards have been established by Congress for Model Year (MY) 1985 and thereafter at a level of 27.5 mpg. NHTSA has authority to amend the standard above or below that level. Standards for light trucks have been established by NHTSA for MY's 1979 through 1992. All current standards are listed in Table I-1.

Included in the Alternative Motor Fuels Act of 1988, (Pub. L. 100-494; October 14, 1988), which amended the Motor Vehicle Information and Cost Savings Act, is special corporate average fuel economy (CAFE) treatment for vehicles capable of using non-petroleum fuels in MY 1993 and thereafter. The intent of this provision is to encourage manufacturers to produce vehicles that can operate on alternative fuels by providing CAFE credit incentives for these vehicles.

The Persian Gulf crisis precipitated by the Iraqi invasion of Kuwait in August 1990, has intensified national interest in conservation of oil. Consequently, the vehicle fuel economy standards have come under scrutiny as a means to increase conservation. However, modifications to the standards listed in Table I-1 would not produce any reduction in oil consumption in the short term. By statute, increases in the standards cannot be promulgated less than 18 months prior to the beginning of the model year to which they pertain. For example, changes made by March 31, 1991, would not be effective until MY 1993. Thus, any changes in CAFE standards made today would not alleviate any short term crisis. The effect would only begin to be felt almost two years hence, and then only gradually as the more efficient new vehicles are incorporated into the total

vehicle fleet which averages almost 8 years old.

Several bills were introduced in the Senate and House of Representatives in 1990 that would have required higher fuel economy standards in future years. The most ambitious of these proposed a 20 percent improvement by MY 1995 and 40 percent by MY 2001 over a MY 1988 baseline. The Administration vigorously opposed these bills, but not because of any opposition to energy conservation or even to higher CAFE standards. Rather the Administration believed that such legislation, no matter how well intended, would have resulted in significant adverse economic and safety effects. This conclusion is based upon analysis which concludes that fuel economy standard increases of the magnitude proposed would have necessitated production of lighter, smaller vehicles with a resulting adverse impact on occupant safety; would have curtailed consumer choice in new vehicles; would have interfered with manufacturer competitiveness; and would have imposed significantly higher costs on new vehicle buyers. In addition, it is necessary to recognize and consider the burden of other regulatory and legislative requirements for improvements in emissions control and vehicle safety, which are being imposed on the industry, and which were not included in the CAFE targets in the bills.

TABLE I.—1

[Fuel Economy Standards for Passenger Cars and Light Trucks Model Years 1978 Through 1992 (in MPG)]

Model year	Passenger cars	Light trucks <sup>1</sup>		Combined <sup>2,3</sup>
		Two-wheel drive	Four-wheel drive	
1978.....	<sup>4</sup> 18.0			
1979.....	<sup>4</sup> 19.0	17.2	15.8	17.2
1980.....	<sup>4</sup> 20.0	16.0	14.0	<sup>5</sup>
1981.....	22.0	<sup>6</sup> 16.7	15.0	<sup>5</sup>
1982.....	24.0	18.0	16.0	17.5
1983.....	26.0	19.5	17.5	19.0
1984.....	27.00	20.3	18.5	20.0
1985.....	<sup>4</sup> 27.5	<sup>7</sup> 19.7	<sup>7</sup> 18.9	<sup>7</sup> 19.5
1986.....	<sup>8</sup> 26.0	20.5	19.5	20.0
1987.....	<sup>9</sup> 26.0	21.0	19.5	20.5
1988.....	<sup>9</sup> 26.0	21.0	19.5	20.5
1989.....	<sup>10</sup> 26.5	21.5	19.0	20.5
1990.....	<sup>4</sup> 27.5	20.5	19.0	20.0
1991.....	<sup>4</sup> 27.5	20.7	19.1	20.2
1992.....	<sup>4</sup> 27.5			20.2

<sup>1</sup> Standards for MY 1979 light trucks were established for vehicles with a gross vehicle weight rating (GVWR) of 6,000 lbs. or less. Standards for MY 1980 and beyond are for light trucks with a GVWR of 8,500 lbs. or less.

<sup>2</sup> For MY 1979, light truck manufacturers could comply separately with standards for four-wheel drive, general utility vehicles and all other light trucks, or combine their trucks into a single fleet and comply with the 17.2 mpg standard.

<sup>3</sup> For MY's 1982-1991, manufacturers could comply with the two-wheel and four-wheel drive standards or could combine all light trucks and comply with the combined standard.

<sup>4</sup> Established by Congress in title V of the Act.

<sup>5</sup> Manufacturers whose light truck fleet was powered exclusively by basic engines which were not also used in passenger cars were to meet standards of 14 mpg and 14.5 mpg in MY's 1980 and 1981, respectively.

<sup>6</sup> Revised in June 1979 from 18.0 mpg.

<sup>7</sup> Revised in October 1984 from 21.6 mpg for two-wheel drive, 19.0 mpg for four-wheel drive, and 21.0 mpg for combined.

<sup>8</sup> Revised in October 1985 from 27.5 mpg.

<sup>9</sup> Revised in October 1986 from 27.5 mpg.

<sup>10</sup> Revised in September 1988 from 27.5 mpg.

The improvements required by this draft legislation were based on an analysis of potential fuel economy benefits that would accrue from various technological innovations. Unfortunately, the original analysis was over-optimistic in that it did not consider synergism between technologies that often reduce the net benefit of using two or more improvements together. Furthermore, the analysis of potential improvements, at the time it formed the basis of the legislation, had not undergone peer review with automotive engineers, both within and outside of the industry, who were most knowledgeable about the development efforts for these technologies.

Consequently, these high levels of fuel economy could not be attained solely by technological innovation, but would require substantial weight reduction and curtailment of production of larger vehicles. Recently completed NHTSA studies demonstrate that the weight reduction in vehicles in the 1970's and early 1980's resulted in an increased risk of deaths and injuries to occupants of small cars in highway accidents. Hence, CAFE standards that force further significant weight reduction in vehicles could be expected to result in concomitant increases in highway deaths and injuries.

High levels of CAFE would curtail the range of choices of new vehicles available to consumers as manufacturers would be forced to reduce or eliminate the production of their larger models to meet the standards. This would adversely affect the availability of larger vehicles for their necessary transportation uses such as car- and van-pooling, transporting large groups or families in one vehicle instead of two, and hauling large or bulky loads. It could also encourage consumers to retain their older, less-efficient larger vehicles, resulting in less reduction in oil consumption even though manufacturers complied with the higher standards.

The fact that the proposed legislation would have required each manufacturer to improve by the same percentage over its baseline MY 1988 CAFE would have been a hardship for manufacturers that had a high CAFE level for their baselines. Any manufacturer that already had a high level of fuel efficient technology or a mix of lighter vehicles in MY 1988 would have to use relatively more new technology, including technologies that were less cost effective or not cost effective at all to meet the new standards. This would result in these products being higher

priced than those of competitors that had lower CAFE's in MY 1988.

Establishing standards beyond the levels achievable through the use of cost-effective technology would be economically unsound. It would impose high purchase costs on consumers that would not be recovered through the value of fuel savings, and may be exacerbated by increased maintenance costs. The result may be to encourage consumers to retain their older, less-efficient vehicles, just as in the case of limiting vehicle choices.

When setting new fuel economy standards, the effects of the Clean Air Act amendments recently passed by the Congress need to be considered. While the requirements for lower emissions may not ultimately cause a reduction in vehicle fuel economy, NHTSA's experience is that they often have a fuel economy penalty initially. The control hardware sometimes adds significant weight, and the balance between emissions control, fuel economy and driveability require development time and experience to fully optimize.

NHTSA has several new safety regulations proposed or already enacted that will affect the fuel economy of vehicles in the next several years through the additional weight that must be added to comply with the new standards. A final rule was issued in October 1990 that upgraded the side impact protection of passenger cars and will potentially cause a fuel economy penalty of around 0.1 mpg. It will be phased in over MY's 1994-1997. Several proposed improvements for light trucks include more stringent occupant crash protection and side door strength, center high mounted stop lamps, and roof crush protection. The agency projects that these light truck standards will impose a fuel economy penalty of as much as 0.3 mpg. Besides the weight increases, each of these improved safety standards will have a cost associated with them, both in dollars and engineering resources, that will compete with the costs of fuel economy improvements. Whenever future CAFE standards are considered, the effects of emissions and safety standards on the ability of manufacturers to meet the fuel economy goals must be included. This was not done as part of the studies upon which the Congress based its proposals.

To estimate the potential for vehicle fuel economy improvements over the next decade, NHTSA has contracted with the National Academy of Sciences (NAS) to study the extent to which automobile fuel economy can be improved while still meeting environmental and safety needs. The

work will be conducted in two phases. Phase one of the study will result in estimates of fuel economy levels that are practical and achievable over the next decade, and identify those technologies that could be doing them about. It also is expected to identify any barriers to the rapid marketplace introduction of the suggested fuel-saving technologies. Phase two of the study will analyze alternative measures to overcome the principal barriers identified in Phase One. NAS also will consider the safety implications and economic effects of various degrees of improved fuel economy.

As part of developing the National Energy Strategy (NES), the Department of Energy and other government agencies, including the Department of Transportation, are reviewing policy options to address overall transportation energy consumption. The NES should be issued early in 1991. While the study includes consideration of increasing the fuel efficiency of the new vehicle fleet, many other alternative means of conserving energy by reducing demand are also included. Vehicle fleet turnover and vehicle miles of travel are critical determinants of energy consumption and must be considered in any analysis of policies affecting the energy use in the automobile sector. There are a number of conservation and energy efficiency measures that could produce near-term energy savings and do not impose significant economic costs on the automotive industry or the public.

## Section II: Fuel Economy Improvement by Manufacturers

The fuel economy achievements for domestic and foreign manufacturers in MY 1989 have been updated to include final Environmental Protection Agency (EPA) calculations, where available, since the publication of the Fourteenth Annual Report to the Congress and, together with current data for MY 1990, are listed in Tables II-1 and II-2.

Overall fleet fuel economy decreased for passenger cars from 28.3 mpg in MY 1989 to 28.1 mpg in MY 1990, the lowest value since MY 1985, due primarily to increased market demand for heavier and higher performance passenger cars. For MY 1990, CAFE values increased over MY 1989 levels for only 8 of 27 passenger car manufacturers. (See Table II-1.) These eight companies accounted for about 6 percent of the total MY 1990 production. However, manufacturers did continue to introduce new technologies and more fuel-efficient models. For MY 1990, no domestic manufacturers raised its passenger car CAFE from its MY 1989

level. Chrysler, Ford, and GM passenger car CAFE fell 0.9, 0.2, and 0.1 mpg below their MY 1989 CAFE levels. Overall, the three domestic manufacturers' combined CAFE decreased by 0.2 mpg.

The average CAFE for imported passenger cars decreased by a much larger amount, 0.8 mpg, in MY 1990 from

the MY 1989 CAFE level. Import CAFE was 30.7 mpg in MY 1989 but only 29.9 mpg in MY 1990, its lowest level since MY 1980. Twelve of the 22 import fleet decreased in CAFE between MY's 1989 and 1990. And eight of the ten Asian importers experienced declining values. Figure II-1 illustrates the changes in

total fleet CAFE from MY 1978 to MY 1990 for passenger cars. For MY 1990, domestic manufacturer CAFE was the closest it has ever been to import manufacturer CAFE—differing by only 3.0 mpg.

TABLE II.—1

[Passenger Car Fuel Economy Performance by Manufacturer \* Model Years 1989 and 1990]

Manufacturer	Model Year CAFE (MPG)	
	1989	1990
Domestic:		
Chrysler .....	28.0	27.1
Ford .....	26.6	26.4
GM .....	27.2	27.1
Sales Weighted Average .....	27.1	26.9
Imported:		
Alfa Romeo .....	26.9	30.1
BMW .....	22.2	22.2
Chrysler Imports .....	30.3	30.5
Daihatsu .....	44.1	41.5
Ford Imports ** .....	31.5	32.3
GM Imports *** .....	37.1	32.1
Honda .....	31.6	30.8
Hyundai .....	33.4	33.3
Isuzu .....	35.8	33.2
Jaguar .....	20.4	
Mazda .....	29.8	30.5
Mercedes-Benz .....	21.4	21.4
Mitsubishi .....	31.4	30.0
Nissan .....	30.4	28.4
Peugeot .....	25.5	25.1
Porsche .....	23.0	21.7
Saab .....	26.6	
Sterling .....	23.6	24.9
Subaru .....	32.5	27.8
Suzuki .....	36.9	47.4
Toyota .....	32.1	30.6
Volvo .....	25.0	25.2
VW .....	30.4	29.0
Yugo .....	33.6	34.0
Sales Weighted Average .....	30.7	29.9
Total Fleet Average .....	28.3	28.1
Fuel Economy Standards .....	26.5	27.5

\* Manufacturers of fewer than 10,000 passenger cars annually that have requested alternative fuel economy standards are not listed. \*\* Includes Jaguar production for MY 1990. \*\*\* Includes Saab production for MY 1990.

Note: Some MY 1989 CAFE values differ from those used in the Fourteenth Annual

Report to the Congress due to the use of final EPA calculations.

TABLE II.—2

[Light Truck Fuel Economy Performance by Manufacturer Model Years 1989 and 1990]

Manufacturer	Model year CAFE (MPG)					
	Two-Wheel Drive		Four-Wheel Drive		Combined*	
	1989	1990	1989	1990	1989	1990
Domestic:						
Chrysler .....					21.1	21.7
Ford .....					20.0	20.0
GM .....	20.9	20.2	19.0	18.6		
Sales Weighted Average .....	20.9	20.2	19.0	18.6	20.4	20.3
Imported:						
Chrysler Imports .....					20.5	21.3
Daihatsu .....				27.3		
GM Imports .....			31.2			
Isuzu .....	25.3	25.3	19.7	19.7		
Mazda .....					25.2	24.1

TABLE II.—2—Continued

[Light Truck Fuel Economy Performance by Manufacturer Model Years 1989 and 1990]

Manufacturer	Model year CAFE (MPG)					
	Two-Wheel Drive		Four-Wheel Drive		Combined*	
	1989	1990	1989	1990	1989	1990
Mitsubishi.....	27.9	23.9	19.5	20.1		
Nissan.....					23.7	25.2
Range Rover.....			15.4	16.3		
Subaru.....			29.3	29.2		
Suzuki.....			31.7			32.6
Toyota.....	24.6	24.2	21.8	20.6		
VW.....					20.8	20.8
Sales Weighted Average.....	25.1	24.5	22.2	21.0	23.5	23.0
Total Fleet Average.....	21.5	20.7	20.0	19.5	20.9	20.8
Fuel Economy Standard.....	21.5	20.5	19.0	19.0	20.5	20.0

\*In MY's 1989 and 1990, manufacturers could comply with the two-wheel and four-wheel drive standards or could combine their two-wheel and four-wheel drive trucks and comply with the combined standards.

Note: Some MY 1989 CAFE values differ from those used in the Fourteenth Annual Report to the Congress due to the use of final EPA calculations.

CAFE levels for imported light truck manufacturers decreased by 0.6 mpg for manufacturers using the two-wheel drive standard, 1.6 mpg for manufacturers using the four-wheel drive standard, and 0.5 mpg for manufacturers using the combined standard. One domestic light truck manufacturer used the separate two-

wheel drive and four-wheel drive standards for MY's 1989 and 1990. The domestic and total fleet CAFEs decreased by 0.1 mpg from MY 1989 to MY 1990 for manufacturers using the combined standards. Figure II-2 illustrates the progress in total fleet CAFE from MY 1979 to MY 1990 for light trucks, with the total light truck fleet CAFE being at its lowest level since MY 1985.

One imported and one domestic light truck manufacturer are projected to fail

to achieve the level of the MY 1990 CAFE standards. Also, all domestic manufacturers and a number of European manufacturers with limited model offerings are likely not to meet the level of the MY 1990 passenger car CAFE standard. However, NHTSA is not yet able to determine which of these manufacturers may be liable for civil penalties for noncompliance.

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# CAFE PERFORMANCE PASSENGER CARS

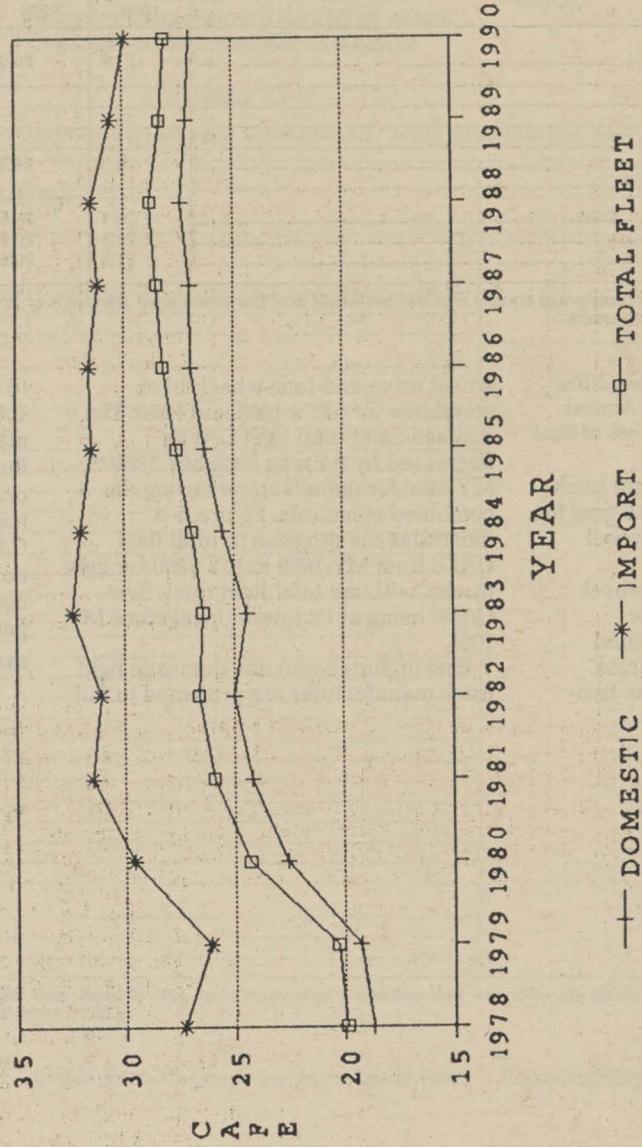


FIGURE II-1

# CAFE PERFORMANCE LIGHT TRUCK COMBINED

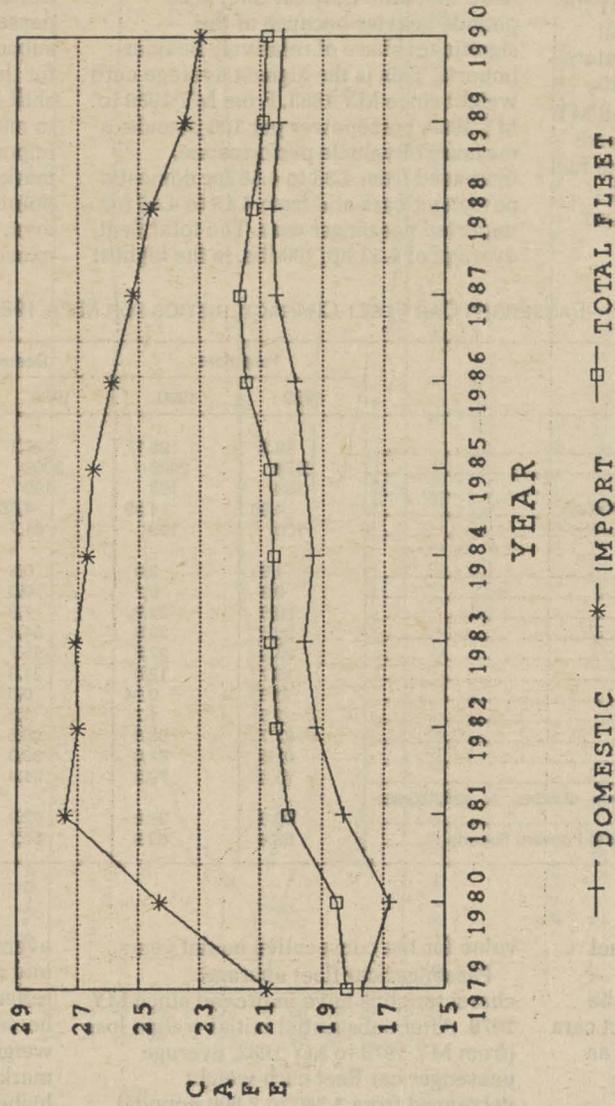


FIGURE II-2

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Some MY 1990 CAFE projections may change when final MY 1990 CAFE figures are provided to NHTSA by EPA, in mid-1991. In addition, several manufacturers are not expected to pay civil penalties because the credits they earned by exceeding the fuel economy standards in earlier years offset later shortfalls. Other manufacturers may file carryback plans to demonstrate that they anticipate earning credits in future model years to offset current deficits.

Fleet average fuel economy for all MY 1990 passenger cars combined exceed the MY 1990 standard. Fleet average fuel economy for all MY 1990 light trucks combined also exceeded the MY 1990 standards.

The characteristics of the MY 1990 passenger car fleet reflect a continuing trend toward heavier and higher performance passenger cars. (See Table II-3.) Compared to MY 1989, the average curb weight for MY 1990 decreased two pounds for the domestic fleet but increased 116 pounds for the imported fleet. The total new car fleet is 29 pounds heavier because of the significant share of relatively heavier imports. This is the highest average curb weight since MY 1983. From MY 1989 to MY 1990, horsepower per 100 pounds, a measure of vehicle performance, increased from 4.38 to 4.58 for domestic passenger cars and from 4.15 to 4.45 for imported passenger cars. The total fleet average of 4.53 hp/100 lbs. is the highest

in over 35 years. Average engine displacement increased from 190 to 193 cubic inches for domestic passenger cars and from 119 to 123 cubic inches for imported passenger cars, the highest value for imported passenger cars since CAFE standards were established. The size class breakdown shows a slight trend away from large and compact passenger cars to an increase in subcompact and mid-size passenger cars for the overall fleet. The domestic fleet shift is almost exclusively from compact to mid-size passenger cars. The imported share of the passenger car market increased by 3.8 percentage points in MY 1990 to the highest share ever, and for the first time, imports exceeded 40 percent.

TABLE II-3.—PASSENGER CAR FLEET CHARACTERISTICS FOR MY'S 1989 AND 1990

Characteristics	Total fleet		Domestic fleet		Imported fleet	
	1989	1990	1989	1990	1989	1990
Fleet average fuel economy, mpg.....	28.3	28.1	27.1	26.9	30.7	29.9
Fleet average curb weight, lbs.....	2879	2908	3062	3060	2584	2700
Fleet average engine displacement, in. <sup>3</sup> .....	163	163	190	193	119	123
Fleet average horsepower/weight ratio, HP/100 lbs.....	4.30	4.53	4.38	4.58	4.15	4.45
Percent of Fleet.....	100	100	61.7	57.9	38.3	42.1
Segmentation by EPA size class, percent:						
Two-Seater.....	1.3	2.0	0.5	0.6	3.4	3.8
Minicompact.....	0.3	0.2	0.0	0.0	0.7	0.5
Subcompact <sup>1</sup> .....	20.3	24.9	7.8	7.0	40.6	49.6
Compact <sup>1</sup> .....	39.5	33.8	34.6	32.3	47.2	35.8
Mid-size <sup>1</sup> .....	24.9	27.2	35.7	40.0	7.5	9.5
Large <sup>1</sup> .....	13.7	12.0	21.3	20.2	1.4	0.7
Percent Diesel engines.....	0.03	0.04	0.0	0.0	0.08	0.10
Percent Turbocharged engines.....	2.5	1.7	1.6	1.2	3.9	2.4
Percent Fuel injection.....	87.7	98.6	96.5	99.4	73.4	97.5
Percent Front-Wheel drive.....	82.8	81.6	80.0	79.3	87.0	84.7
Percent Automatic transmissions.....	78.8	79.2	91.4	92.7	58.5	60.7
Percent Automatic transmissions with lockup clutches or split torque features.....	90.3	92.0	92.9	93.4	84.0	89.0
Percent Automatic transmissions with 4 or more Forward Speeds.....	58.4	63.8	55.1	59.7	66.7	72.5

<sup>1</sup> Includes associated station wagons.

The 0.2-0.8 mpg passenger car fuel economy declines for the MY 1990 domestic and imported fleets may be attributed to the shift from compact cars to mid-size passenger cars as well as some performance increase for the domestic fleet and to increases in average weight, average engine size, and performance as indicated by the higher average horsepower-to-weight ratios for the import fleet. These changes more than offset gains due to increased use of fuel injection, more automatic transmissions with lockup torque converters, or more gears, and advanced technological improvements that are discussed in Chapter IV. Passenger car CAFE for the MY 1990 import fleet failed to achieve 30.0 mpg after surpassing that

value for ten consecutive model years.

Passenger car fleet average characteristics have improved since MY 1978. After substantial initial weight loss (from MY 1978 to MY 1982, average passenger car fleet curb weight decreased from 3,349 to 2,806 pounds), passenger car fleet average curb weight has stabilized at 2,800 to 3,000 pounds. The MY 1990 passenger car fleet has nearly equal interior volume, higher performance, and more than 40 percent greater fuel economy than the MY 1978 fleet. (See Figure II-3.) The passenger car fleet in MY 1990 averaged the highest horsepower-to-weight ratio recorded in any year since 1955.

The characteristics of the MY 1990 light truck fleet (see Table II-4) show an

average weight increase of 152 pounds and slightly higher performance as reflected by the increase in the average horsepower-to-weight ratio. This added weight may be attributed to increased market demand for larger engines, higher performance, and higher option content. There was a 4.8 percentage point increase in the use of fuel injection and a 8.7 percentage point increase in the use of lockup torque converter clutches on automatic transmissions. Diesel engine usage increased in light trucks to 0.2 percent in MY 1990 from 0.1 percent in MY 1989. The import share of the MY 1990 light truck fleet decreased to 19.2 percent, 1.1 percent lower than MY 1989.

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PASSENGER CAR FLEET AVERAGE  
CHARACTERISTICS  
MODEL YEARS 1978-1990

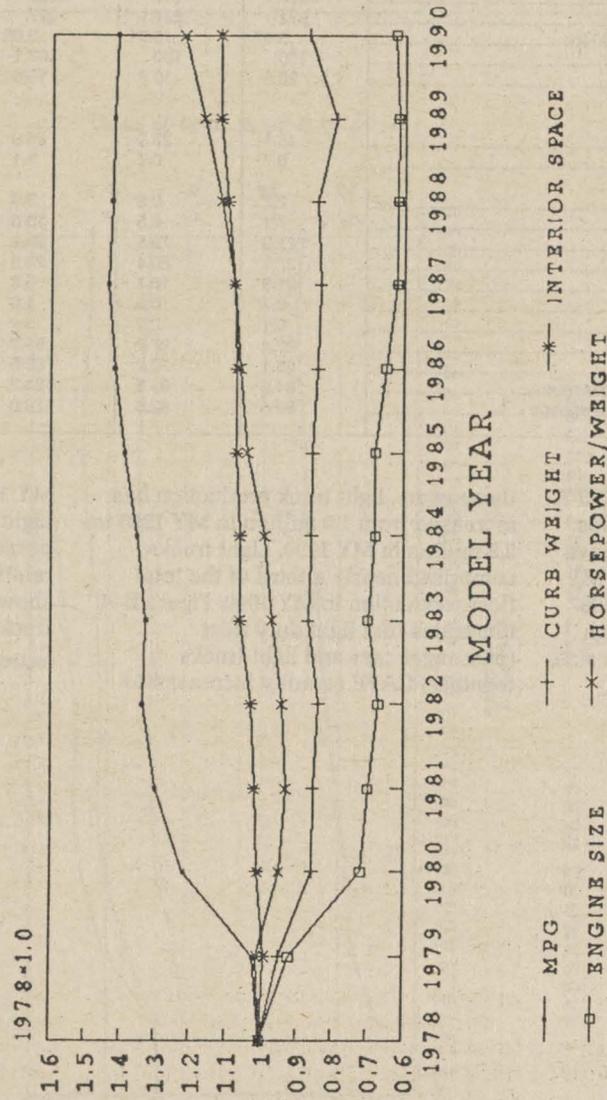


Figure II-3

TABLE II-4.—LIGHT TRUCK FLEET CHARACTERISTICS FOR MY'S 1989 AND 1990

Characteristics	Total Fleet		Domestic Fleet		Imported Fleet	
	1989	1990	1989	1990	1989	1990
Fleet average fuel economy, mpg.....	20.9	20.8	21.6	21.5	19.6	19.4
Fleet average curb weight, lbs.....	3958	4110	3868	4031	4143	4284
Fleet average engine displacement, in. <sup>3</sup> .....	232	237	227	234	242	242
Fleet average horsepower/weight ratio, HP/100 lbs.....	3.67	3.71	3.65	3.71	3.69	3.72
Percent of Fleet.....	100	100	67.1	68.5	32.9	31.5
Import share, percent.....	20.3	19.2	16.6	14.3	27.9	28.8
Segmentation by type, percent:						
Passenger van:						
Compact.....	18.1	23.0	26.0	31.7	1.9	4.1
Large.....	0.7	0.7	1.1	0.9		
Cargo van:						
Compact.....	2.7	0.8	3.9	1.0		0.1
Large.....	7.1	8.5	10.6	12.4		
Small pickup.....	21.9	19.5	28.2	22.8	9.2	12.4
Large pickup.....	27.9	28.4	24.0	26.2	35.0	33.3
Special purpose.....	21.3	18.7	5.3	4.4	53.9	50.1
Cab chassis.....	0.7	0.5	1.0	0.7		
Percent diesel engines.....	0.1	0.2	0.1	0.1	0.2	0.3
Percent fuel injection.....	92.4	97.2	91.7	97.2	93.8	97.1
Percent automatic transmissions.....	65.1	72.2	68.5	76.0	58.3	63.8
Percent Automatic transmissions with lockup clutches.....	84.8	93.5	84.2	93.3	86.3	93.9
Percent automatic transmissions with 4 forward speeds.....	80.6	82.8	78.0	78.4	86.7	94.6

During MY's 1980 through 1990, CAFE levels for light trucks in the 0-8500 lbs. gross vehicle weight (GVW) class have increased, beginning at 18.5 mpg in MY 1980 and reaching 21.7 mpg in MY 1987 before dropping in MY's 1988 through MY 1990, as average weight, engine size, and performance increased. During

these years, light truck production has increased from 1.9 million in MY 1980 to 3.8 million in MY 1990. Light trucks comprised nearly a third of the total fleet production in MY 1990. Figure II-4 illustrates that light duty fleet (passenger cars and light trucks together) CAFE steadily increased to

MY 1987, but subsequently has declined. Light truck CAFE also declined, but passenger car CAFE has remained relatively constant for MY's 1987-1990, showing the important influence of light trucks in the light duty fleet.

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# CAFE PERFORMANCE TOTAL FLEET

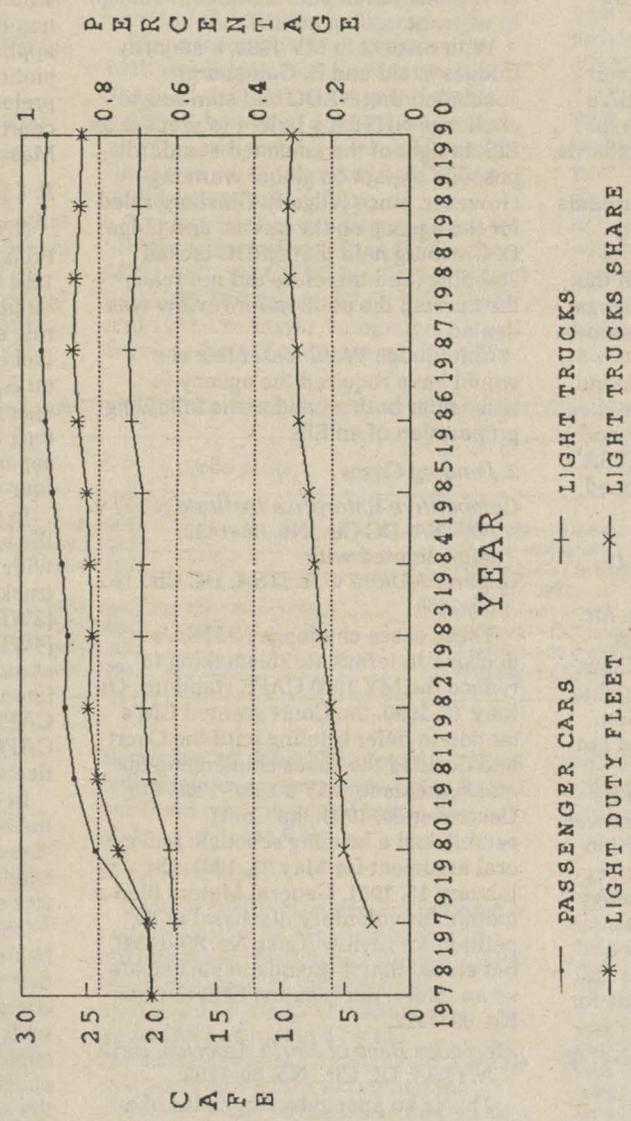


FIGURE II-4

### Section III: 1990 Activities

#### A. Passenger Car CAFE Standards

The following synopsis describes the litigation cases challenging NHTSA actions under the CAFE program that were decided and pending in 1990.

##### 1. Cases Decided: *Competitive Enterprise Institute v. NHTSA*, DC Cir., Nos. 86-1646 and 89-1278

(This case was also covered in the Fourteenth Annual Report to the Congress.)

On January 19, 1990, the DC Circuit rejected CEI's challenges to NHTSA's decisions not to reduce the MY's 1987 and 1988 passenger car CAFE standards below 26.0 mpg and the MY 1989 standard below 26.5 mpg on the grounds that the agency had not adequately considered the adverse effects of its actions on safety. The Court found that CEI did not have standing to challenge the decisions on environmental grounds, because it would not suffer any environmental injury. The Court found that CEI had standing to challenge the decisions under the Energy Policy and Conservation Act, but upheld NHTSA's decisions as "the product of reasoned consideration of the safety implications."

*General Motors v. NHTSA*, DC Cir., No. 88-1816; consolidated with *Mercedes Benz of North America, Inc. (Mercedes) v. NHTSA*, No. 88-1831.

On February 27, 1990, the U.S. Court of Appeals for the District of Columbia Circuit issued a unanimous decision, concluding that NHTSA's decision not to initiate a rulemaking to amend retroactively the CAFE standards for MY's 1984 and 1985 passenger cars was a sound exercise of agency discretion and was consistent with the statutory purposes and provisions of the Energy Policy and Conservation Act. The court upheld NHTSA's denials of Mercedes' and GM's administrative petitions for rulemaking and dismissed petitions for judicial review.

*Los Angeles v. NHTSA*, DC Cir., No. 86-1649; *Center for Auto Safety v. NHTSA*, DC Cir., No. 86-1651; *California v. NHTSA*, DC Cir., No. 86-1652 *Natural Resources Defense Council v. NHTSA*, DC Cir., No. 89-1277;

*Center for Auto Safety v. NHTSA*, DC Cir., No. 89-1403;

On August 24, 1990, the DC Circuit issued a decision denying challenges under the National Environmental Policy Act (NEPA) to NHTSA's decisions not to prepare environmental impact statements (EISs) covering its amendments to the passenger car CAFE standards for model years 1987-1988

and 1989. With respect to model years 1987-1988, the panel unanimously concluded that the governmental coalition had standing to challenge the amendments to the standards for those model years on air pollution grounds. A majority (Judges D. Ginsburg and R. Ginsburg) concluded that NHTSA had adequately justified its conclusion that the amendments would not have an environmental impact significant enough to warrant issuing an EIS.

With respect to MY 1989, a majority (Judges Wald and R. Ginsburg) concluded that NRDC had standing to challenge NHTSA's failure to prepare an EIS, in light of the amended standard's possible impact on global warming. However, since Judge R. Ginsburg ruled for the agency on the merits, and Judge D. Ginsburg held that NRDC lacked standing (and therefore did not reach the merits), the petition for review was denied.

Chief Judge Wald dissented; she would have required the agency to reconsider both amendments following preparation of an EIS.

##### 2. Pending Cases

*Competitive Enterprise Institute (CEI) v. NHTSA*, DC Cir., No. 98-1422; consolidated with *General Motors v. NHTSA*, DC Cir., No. 89-1434

These cases challenge NHTSA's decision to terminate rulemaking to reduce the MY 1990 CAFE standard. On May 10, 1990, the Court granted GM's motion to defer briefing until the Court had decided the cases challenging the amendments for MY's 1987-1989. On December 20, 1990, the Court established a briefing schedule and set oral argument for May 21, 1991. On January 15, 1991, General Motors filed a motion for voluntary dismissal of its petition for review (Case No. 89-1434), but stated that it intends to participate as an intervenor (against CEI) in Case No. 89-1422.

*Mercedes Benz of North America, Inc. v. NHTSA*, DC Cir., No. 89-1762

This is an appeal by Mercedes of a November 22, 1989, decision by NHTSA's Acting Administrator which found Mercedes liable for \$5.5 million in civil penalties for its failure to comply with the MY 1985 CAFE standard. On December 20, 1990, the Court established a briefing schedule and scheduled oral argument for May 21, 1991.

*Maserati v. NHTSA*, DC Cir., Nos. 90-1388 and 90-1389

On July 25, 1990, Maserati filed two petitions for judicial review of NHTSA's denials (on the basis that they were

untimely filed) of Maserati petitions for exemption from the generally applicable passenger car CAFE standards for MY's 1982, 1983, 1986, 1987, 1989, 1990, and 1991, and for the establishment of alternate standards for those years. The cases were consolidated on September 26, 1990. On December 18, 1990, after NHTSA notified Maserati that it would compromise the civil penalties that would have resulted from Maserati's non-compliance with the generally applicable standards, Maserati filed a motion to dismiss both cases with prejudice. On December 27, 1990, the court issued an order granting Maserati's motion.

#### B. Light Truck Standards

NHTSA published a notice of Proposed Rulemaking for MY's 1992-1994 light truck fuel economy standards on January 31, 1990 (55 FR 3608). A final rule establishing a MY 1992 light truck fuel economy standard was published on April 4, 1990 (55 FR 12487). The agency set a combined standard of 20.2 mpg for MY 1992; with no optional separate standards for two-wheel and four-wheel fleets.

In past light truck CAFE rulemakings, the agency has provided manufacturers with the option of dividing their light trucks into two fleets, a two-wheel drive (2WD) fleet and a four-wheel drive (4WD) fleet, each meeting a separate standard. Currently, most domestic and import manufacturers are reporting their CAFE compliance in terms of a single CAFE value for their entire light truck fleets.

In the final rule for MY 1992 trucks, the agency determined that Ford is the "least capable" manufacturer with a combined fuel economy capability of 20.2 mpg for MY 1992.

The agency concluded, upon balancing the relevant statutory factors, that the relatively small and uncertain energy savings that would be associated with setting a standard above Ford's capability would not justify the economic harm to the companies and the economy as a whole. The agency projected that Ford could not achieve a combined fuel economy level higher than 20.2 mpg for MY 1992. In contrast, NHTSA concluded that GM could achieve 20.8 mpg and Chrysler could achieve 21.2 mpg.

The agency selected 20.2 mpg for MY 1992 as the final combined standard to balance the potentially serious adverse economic consequences associated with the realization of the above market and technological risks against Ford opportunity as the "least capable" manufacturer with a substantial share of

sales. Since Ford produces more than 26 percent of all light trucks that are subject to the fuel economy standards, its capability has a significant effect on the level of the industry's capability and, therefore, on the level of the standard.

On May 4, 1990, GM petitioned the agency for reconsideration of the decision to eliminate separate 2WD and 4WD fuel economy standards in setting the MY 1992 standard. The agency expects to respond to that petition in the near future.

A final rule for light truck fuel economy standards for MY's 1993 and 1994 is pending.

#### C. Low Volume Petitions

Section 502(c) of the Act provides that a low volume manufacturer of passenger cars may be exempted from the generally applicable passenger cars fuel economy standards if these standards are more stringent than the maximum

feasible average fuel economy for that manufacturer and if NHTSA establishes an alternative standard for that manufacturer at its maximum feasible level.

Under the Act, a low volume manufacturer is one that manufactured fewer than 10,000 passenger cars worldwide, in the model year for which the exemption is sought (the affected model year) and in the second model year before the affected model year.

The agency acted on a number of petitions during 1990, as summarized in Table III-1. Action on some of these petitions had been delayed while the agency considered the issue of timely filing and what constituted sufficient justification for late filing.

The agency has pending petitions for alternative standards from Shelby for MY's 1987-1989, ASC Inc. for MY's 1989 and 1990, Dutcher for MY's 1989, 1991, and 1992. Prototype Automotive Services for MY 1989, Ferrari for MY's

1989-1994, and Maserati for MY's 1992-1994. Some manufacturer previously eligible for alternative fuel economy of acquisition by larger manufacturers.

On September 21, 1990, NHTSA published a supplemental notice concerning petitions for low volume exemption (55 FR 38822). The notice requested comments on Ferrari's eligibility for exemptions from the model year 1986 and 1988 standards. NHTSA previously published a notice (54 FR 40665) in which it determined, in light of Ferrari's common control relationship with Alfa Romeo, that Ferrari was ineligible for an exemption for model year 1987, but eligible for an exemption for model year 1988. The September 1990 notice also requested comments on whether NHTSA should revise its approach to determining eligibility for low volume exemptions when there are multiple manufacturers within a control relationship.

TABLE III-1.—ACTIVE PETITIONS FOR ALTERNATIVE FUEL ECONOMY STANDARDS

Petitioner	Model year(s)	Action	FEDERAL REGISTER notice
Dutcher	1986-1988	Final rule—16.0 mpg	55 FR 34017
Maserati	1982-1983	Denied—not timely	55 FR 22879
	1984-1985	Final rule—17.9 mpg for MY 1984, 16.8 mpg for MY 1985	55 FR 12485
Lamborghini	1986, 1987, and 1989 through 1991	Denied—not timely	55 FR 25767
LondonCoach	1983-1984	Final rule—13.7 mpg	55 FR 12485
Rolls Royce	1985-1987	Final rule—21.0 mpg	55 FR 12485
	1992-1994	Final rule 13.8 mpg	55 FR 37325

#### D. Environmental Impact Statement

Under section 102(2)(c) National Environmental Protection Act (NEPA), an EIS is required on all programs affecting human environment, provided that the impact is major. NHTSA conducts an environmental assessment each time it establishes a CAFE standard for cars or light trucks. Each assessment has led to a conclusion that the effects of CAFE changes are environmentally "insignificant". These studies were done on a case by case basis; the agency has not performed a programmatic environmental analysis in recent years. Two significant events prompt NHTSA to conduct a programmatic EIS at this time: (1) Several court cases were brought against the agency since 1988, largely on environmental grounds. (2) substantial concern about the environmental effects of automobile emissions has arisen in the press, among the scientific community and in Congress.

To initiate the preparation of the programmatic EIS for CAFE, the agency held a public scoping meeting on

December 13, 1990. The results of which will assist the agency in assuring that all pertinent environmental issues are addressed in the EIS.

#### E. Enforcement

Section 508(b)(1) of the Act imposes a civil penalty of \$5 for each tenth of a mpg by which the manufacturer's CAFE level falls short of the standard, multiplied by the total number of automobiles produced by the manufacturer in that model year. Credits that were earned for exceeding the standard in any of the three model years immediately prior to or subsequent to the model years in question can be used to offset the penalty.

With completion by EPA of final CAFE computations for MY 1989 for most passenger car fleets, the agency initiated appropriate enforcement actions for manufacturers that did not meet the CAFE standard. Table III-2 shows those manufacturers who paid CAFE fines in 1990. The agency estimates that the "gas guzzler" taxes that auto manufacturers owe for MY 1989 are twice the amount the agency

collected from manufacturers for their failure to comply with the generally applicable average fuel economy standard of 26.5 mpg for MY 1989.

TABLE III-2.—CAFE FINES PAID IN 1990

For model year	Manufacturer	Amount fined	Date paid
1988	Jaquar	\$5,582,070	3/90
1988	Peugeot	482,280	3/90
1988	Porsche	1,046,905	5/90
1989	BMW	14,923,580	7/90
1989	Mercedes-Benz	20,145,045	4/90
1989	Peugeot	487,800	7/90
1989	Porsche	1,875,125	5/90
1989	Volvo	1,036,115	7/90
	Total	45,850,920	

#### F. Alternative Motor Fuels Act (Pub. L. 100-94)

The Alternative Motor Fuels Act of 1988 (the Act) required the Department of Transportation and other Federal agencies to conduct a number of studies and demonstration programs which foster the commercial application and

consumer acceptance of alternative or dual fuel vehicles using alcohol or natural gas. The Act also amended the Motor Vehicle Information and Cost Savings Act to provide CAFE credits for the production of dual fuel passenger cars meeting specific requirements. Manufacturers complying with these requirements, including minimum driving ranges for these vehicles established by the Department of Transportation, can earn extra credits for those vehicles under the CAFE program beginning in MY 1993.

NHTSA published a final rule establishing the minimum driving range standards for the operation of dual energy and natural gas dual energy passenger cars on non-petroleum fuel on April 26, 1990 (55 FR 17611). The minimum range for dual energy passenger cars is 200 miles, and the minimum range for natural gas dual energy passenger cars is 100 miles.

The Act does not require that the automakers meet the established minimum driving range for dual energy passenger cars. However, they must achieve the range for the cited alternative fuels in order to obtain the CAFE credits. This minimum range requirement pertains only to passenger cars and does not apply to light trucks. The Act does not allow CAFE credits for dual energy light trucks.

The rule also establishes procedures for manufacturers to follow in petitioning the agency to establish a lower driving range for a particular model or models of natural gas dual energy passenger cars and for the agency to follow in establishing such lower ranges. Additionally, the rule enables the agency to set lower ranges for specific models of natural gas dual energy passenger cars on its own initiative.

#### *G. National Academy of Sciences Study*

On December 18, 1990, Secretary of Transportation Samuel K. Skinner announced that the NAS will study the extent to which passenger car and light truck fuel economy can be raised over the next decade, while still meeting environmental and safety needs. The work will be conducted in two phases.

In Phase One, NAS will provide, on a "best judgment" basis, estimates by vehicle size class of fuel economy practically achievable in the next decade by auto corporations with major assembly facilities in the United States and Canada, taking into consideration factors such as technological feasibility, the burden of recent regulatory and legislative requirements for improvements in vehicle safety and emissions control, and the economic

capability of the domestic auto industry to produce more fuel-efficient vehicles.

Phase One work is also expected to result in the identification of principal barriers in the United States that constrain the rates at which fuel economy enhancing technologies can be introduced. It will include estimates of the cost per vehicle to the consumer attributable to higher fuel economy and the incremental cost to the automotive industry of producing higher fuel economy vehicles. Phase One is to be completed by June 30, 1991.

The second phase will analyze alternative measures to overcome the principal barriers identified in Phase One. Work done under Phase Two will be completed by March 31, 1992.

A committee of approximately 15 members will be appointed by NAS to carry out this study. A committee slate will be balanced between science and technology experts and those from other disciplinary areas such as finance, economics, and regulation.

One of the primary methods of data gathering by the committee will be in structured presentations from domestic and foreign auto manufacturers, suppliers, and other qualified organizations outside the automotive industry. This will be in a workshop forum, which probably will be held in March 1991.

This study's value will be in providing unbiased answers to the fundamental questions about fuel efficiency and its economic impact. Bills such as those introduced in the last session, which the Administration strongly opposed, relied too much on technological claims, without a proper assessment of economic and other factors affecting the industry's capability to improve fuel economy. The NAS study will carefully address these issues.

In addition, the NAS study will also be timely. With Phase One scheduled to be completed by June 30, 1991, the study will provide nonpartisan information for use in future deliberations by the Administration and the Congress.

#### **Section IV: Use of Advanced Technology**

This section fulfills the statutory requirement of section 305 of title III of the Department of Energy Act of 1978 (Public Law 95-238) which directs the Secretary of Transportation to submit an annual report to Congress on the use of advanced technologies by the automotive industry to improve motor vehicle fuel economy. This report focuses on the introduction of new models, the application of materials to save weight, and the advances in

electronic technology which improved fuel economy in MY 1990.

#### *A. New Models*

The domestic automakers introduced several all-new passenger cars as well as updates and redesigns of previous passenger cars. Aside from the totally restyled Lincoln Town Car with improved aerodynamics, Ford had no new models; however, it did introduce the MY 1991 replacements for its Escort and Tracer midway through the 1990 model year. These new models offer four-speed automatic transmissions in place of three-speeds for the first time. The Escort and Tracer were designed by Mazda Motor Corporation in Japan, but are produced in assembly plants in the U.S. and Mexico.

At GM, the more aerodynamic mid-size GM-10 (W-body) models, Buick Regal, Oldsmobile Cutlass Supreme, and Pontiac Grand Prix, previously available only as 2-door coupes, were introduced in 4-door sedan versions for MY 1990. Chevrolet introduced three new Lumina for MY 1990, a coupe, a sedan, and a minivan. The Lumina W-body sedan and coupe replaced the A-body Celebrity sedan. Chevrolet introduced a new high performance Corvette ZR-1 coupe that is an inch longer and three inches wider than the standard coupe. The engine uses four-valves per cylinder to increase power with no reduction in fuel economy rating. GM also offered a convertible version of the Buick Reatta and a turbo-charged version of Pontiac's Grand Prix Coupe.

Chrysler revived the Imperial name for a new 109.3 inch wheelbase Y-body, a stretched version of the C-body New Yorker that qualifies as a large car by EPA roominess index. Jeep-Eagle Division of Chrysler introduced its version of the Diamond Star Motors Corporation-built sports coupe, the Talon, available in front-wheel-drive (FWD) and all-wheel-drive (AWD) versions. The Talon is Eagle's version of the Plymouth Laser and Mitsubishi Eclipse. The Mitsubishi Eclipse also added an AWD to its MY 1990 model line.

Automobile importers introduced a variety of new passenger cars and updates of their previous models for MY 1990. Nissan redesigned the Stanza for better aerodynamics. Daihatsu introduced a Charade 4-door sedan to the U.S. market where it competes with the high-fuel economy Suzuki Swift. Isuzu introduced a new front-wheel drive Impulse with a smaller engine and better fuel economy than the previous rear-wheel drive Impulse. Subaru introduced the Legacy and Loyale with

the Legacy assembled at the new Subaru-Isuzu joint venture plant in Lafayette, Indiana, and including an optional four-speed automatic transmission with lockup torque converter clutch. Toyota and Nissan entered the luxury automobile market with the Lexus and Infiniti models, respectively, which offered somewhat better fuel economies than many similar size luxury European imports. Volkswagen replaced the compact Quantum with the new mid-size Passat which has better fuel economy and offers a four-speed automatic transmission with a lockup torque converter clutch instead of a three-speed without a lockup clutch.

In the domestic light truck area, GM expanded its participation in the compact van market with the introduction of a FWD van with a long, aerodynamic hoodline, sloping windshield, and innovative plastic body panels. Produced in three versions, the Chevrolet Lumina APV, Pontiac TransSport, and Oldsmobile Silhouette, these models are intended to compete with the successful Chrysler compact vans. Both GM and Ford introduced compact 4-door sports-utility vehicles (SUV) for MY 1991 challenging Jeep-Eagle dominance of that segment. Ford redesigned its Bronco II and renamed it the Explorer. GM's 4-door SUV will be marketed by Chevrolet, GMC, and Oldsmobile dealers.

For the import light truck area, Mazda entered the compact SUV market with the U.S.-built 2-door Navajo, a derivative of the Ford Explorer from Ford Motor Company. This is the first time a domestic manufacturer has supplied vehicles to an import manufacturer. Isuzu introduced a new 4-door SUV for MY 1991, the Rodeo, produced in the Lafayette, Indiana, plant.

#### B. Engine Technology

Some manufacturers made significant improvements in engine technology of for MY 1990. Chrysler introduced a new 3.3 L V-6 engine built for minivans and larger passenger cars. Chrysler also introduced a new intercooled 2.5 L variable nozzle turbocharged (VNT) engine and added multi-point port fuel injection to its 2.2 L Turbo I engines.

GM enlarged its 2.8 L V-6 engine to 3.1 L and added multi-point port fuel injection. The Buick Regal got a 5 hp boost to 170 hp with mid-model-year introduction of a tuned port injection version of the 3.8 L V-6. The Chevrolet 2.2 L electronic fuel-injected 4-cylinder engine replaced last year's 2.0 L unit.

The FWD Eagle Talon comes standard with a 2 L double overhead cam (DOHC)

16-value 4-cylinder engine. The Talon TSI adds an intercooled turbocharged version. The Mitsubishi Eclipse and Plymouth Laser offer the same engines.

The Range Rover got an improved fuel injection system boosting fuel economy by one mpg for both city and highway.

#### C. Electronics

Application of electronic components that increase fuel economy in vehicles continues to rise. Digital electronic control systems offer automobile engineers unprecedented reaction speeds and precision. Programmable electronic systems advanced to adaptive controls that compensate for changes due to aging, manufacturing tolerances, and real-time variations in operating conditions. Digital signal processors (DSPs) have made it possible, and practical, to design better engine-control systems, anti-lock braking and traction control systems, and active suspension systems.

The Cadillac Altante was designed with an electronic traction control system which works with the car's engine control module and Bosch's ABS III antilock brake system to control wheel spin and limit engine speed. Ford introduced a new electronic multi-point port fuel injection system for the 4 L V-6 engine on the Ranger and Aerostar models. Aerostar also added full-time electronic 4WD. The Subaru introduced a four-speed electronic automatic transmission as an option on its 1990 Legacy.

#### D. New Materials Applications

Automotive material applications for MY 1990 underwent major changes. Due to significant growth in the use of composite materials, the weight of many models continues to decline. For the 1990 model year, automakers chose plastics, high strength steel, and aluminum, for a number of significant new componentry applications in their passenger cars. The reduced weight of these components contributed to improved fuel economy of the models using them.

The first high-volume production family vehicles with plastic bodies were GM's 1990 Chevrolet Lumina APV, Pontiac TransSport, and Oldsmobile Silhouette, particularly noteworthy for their use of reaction injection molded (RIM) polyurea fenders. The fenders were the first mass-produced units of a new type of thermosetting material. Ford's sport-model Ranger compact pickup for MY 1990 was the first truck offered with an all-plastic cargo box.

Other important new application for plastics in 1990 models included:

- Plastic fuel tanks on the Chevrolet Beretta and Corsica passenger cars.
- Composite rear leaf springs on the Chevrolet Lumina sedan.
- Stroking-type elastomeric energy-absorbing assemblies on the bumpers of Chrysler LeBaron, Dodge Daytona and Spirit, and Plymouth Acclaim.
- Quick-connect nylon fuel lines between the gas tanks and engines on GM's new compact vans.

Even as the use of plastics grew, steel continued as the dominant material in U.S.-built family vehicles, comprising well over 50 percent of the weight of the average passenger car according to Ward's 1990 Automotive Yearbook. In 1990, GM used bake-hardenable (B-H) steel, one of the newest higher-strength classes to enter the market, which could be substituted for conventional steel grades for better dent resistance, weight reduction, or both. It is used on all H-body and C-body car doors. Two-side electrogalvanized steel with a targeted 10-year resistance to rust-through was used throughout the outer bodies of the GM-10 (W-body) passenger cars.

Numerous foreign models featured all-aluminum engines, including Nissan Infiniti Q45, Toyota Lexus LS 400, Audi V8, and Mercedes 500 SL. The Honda Accord also switched from a cast iron to an aluminum block. Aluminum alloy wheels supplied by Kelsey-Hayes Company of Romulus, Michigan, were standard on the new Chrysler Imperial and the Eagle Talon coupe.

#### E. Summary

The auto industry has increased the horsepower of its engines and shifted production mix to larger passenger cars. Still, there were some considerable technical gains, particularly in lightweight material usage, that contributed to improvements in fuel economy on some models in MY 1990.

[FR Doc. 91-7784 Filed 4-2-91; 8:45 am]

BILLING CODE 4910-59-M

#### International Harmonization of Safety Standards; Calendar of Meetings.

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) will continue its participation during this year in the international meetings to harmonize U.S. and foreign motor vehicle safety standards. These meetings will be conducted by the Working Party on the Construction of Vehicles (WP29) under the Principal

Working Party on Road Transport of the United Nations' Economic Commission for Europe (ECE), and by the six Meetings of Experts (formerly called Groups of Rapporteurs) of WP29. The NHTSA currently represents the United States in all of the Meetings of Experts except those on Pollution and on Noise.

**DATES:** For a list of scheduled meetings, see the Supplementary Information section of this notice. Inquiries or comments related to specific meetings should be made at least two weeks preceding that meeting.

**FOR FURTHER INFORMATION CONTACT:** Francis J. Turpin, Office of International Harmonization (NOA-05), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-2114).

**SUPPLEMENTARY INFORMATION:** This calendar consists of those ECE meetings currently scheduled. It is published for information and planning purposes and the meeting dates and places are subject to change. NHTSA attendance at these meetings will be affected by agenda content, priorities and availability of travel funds.

April 29-30, 1991:

Meeting of Experts on General Safety Provisions (GRSG), Sixtieth Session—Geneva, Switzerland.

May 1-3, 1991:

Meeting of Experts on Lighting and Light-Signalling (GRE), Twenty-Sixth Session—Geneva, Switzerland.

May 6-8, 1991:

Meeting of Experts on Brakes and Running Gear (GRRF), Twenty-Eighth Session—Geneva, Switzerland.

May 21-23, 1991:

Meeting of Experts on Passive Safety (GRSP), Ninth Session—Geneva, Switzerland.

May 27-30, 1991:

Meeting of Experts on General Safety Provisions (GRSG), Sixty-First Session—Rome, Italy.

June 24, 1991:

Administrative Committee for the Coordination of Work of WP29 (AC.2), Forty-Sixth Session—Geneva, Switzerland.

June 25-28, 1991:

Working Party on the Construction of Vehicles (WP-29), Ninety-Fourth Session—Geneva, Switzerland.

July 3-5, 1991:

Meeting of Experts on Pollution and Energy (GRPE), Twenty-Third Session—Geneva, Switzerland.

August 26-27, 1991:

Meeting of Experts on Noise (GRB), Eighteenth Session—Geneva, Switzerland.

August 28-30, 1991:

Meeting of Experts on Brakes and Running Gear (GRRF), Twenty-Ninth Session—Geneva, Switzerland.

August 23-24, 1991:

Meeting of Experts on Noise (GRB), Seventeenth Session—Geneva, Switzerland.

September 25-27, 1991:

Meeting of Experts on Passive (GRSP), Tenth Session—Geneva, Switzerland.

October 14, 1991:

Administrative Committee for the Coordination of Work of WP29 (AC.2), Forty-Seventh Session—Geneva, Switzerland.

October 15-18, 1991:

Working Party on the Construction of Vehicles (WP-29), Ninety-Fifth Session—Geneva, Switzerland.

November 27-29, 1991:

Meeting of Experts on Lighting and Light-Signalling (GRE), Twenty-Seventh Session—Geneva, Switzerland.

The following meetings took place earlier this year.

January 23-25, 1991:

Meeting of Experts on Pollution and Energy (GRPE), Twenty-Second Session—Geneva, Switzerland.

February 4-6, 1991:

Meeting of Experts on Lighting and Light-Signalling (GRE), Twenty-Fifth Session—Geneva, Switzerland.

February 18-19, 1991:

Meeting of Experts on General Safety Provisions (GRSG), Fifty-Ninth Session—Geneva, Switzerland.

February 20-22, 1991:

Meeting of Experts on Brakes and Running Gear (GRRF), Twenty-Seventh Session—Geneva, Switzerland.

March 11, 1991:

Administrative Committee for the Coordination of Work of WP29 (AC.2), Forty-Fifth Session—Geneva, Switzerland.

March 12-15, 1991:

Working Party on the Construction of Vehicles (WP-29), Ninety-Third Session—Geneva, Switzerland.

Issued on March 27, 1991.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*  
[FR Doc. 91-7785 Filed 4-2-91; 8:45 am]

**BILLING CODE 4910-69-M**

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

March 28, 1991.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

#### Internal Revenue Service

*OMB Number:* 1545-0274.

*Form Number:* 2163(c).

*Type of Review:* Extension.

*Title:* Employment—Reference Inquiry.

*Description:* Form 2163 is used by IRS to verify past employment history and to question listed and developed references as to the character and integrity of current and potential IRS employees. The information received is incorporated into a report on which a security determination is based.

*Respondents:* Individuals or households, State or local governments, farms, businesses or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations.

*Estimated Number of Respondents:*  
20,000.

*Estimated Burden Hours Per Response:*  
12 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 4,000 hours.

*Clearance Officer:* Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*  
[FR Doc. 91-7790 Filed 4-2-91; 8:45 am]

**BILLING CODE 4830-01-M**

**Public Information Collection  
Requirements Submitted to OMB for  
Review**

March 28, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex,

1500 Pennsylvania Avenue NW.,  
Washington, DC 20220.

**Office of Thrift Supervision**

*OMB Number:* 1550-0015.

*Form Number:* H-(e)1, H-(e)2, H-(e)3,  
H-(e)4 and 1393.

*Type of Review:* Revision.

*Title:* Savings and Loan Holding  
Company Applications.

*Description:* To obtain information  
necessary to determine whether a  
company meets the statutory  
standards to become a savings and  
loan holding company.

*Respondents:* Businesses or other for-  
profit.

*Estimated Number of Respondents:* 850.

*Estimated Burden Hours Per Response:*  
121 hours, 25 minutes.

*Frequency of Response:* Prior to  
acquisition of a savings association.

*Estimated Total Reporting Burden:*  
103,200 hours.

*Clearance Officer:* John Turner (202)  
906-6840, Office of Thrift Supervision,  
1700 G Street, NW., 3rd Floor,  
Washington, DC 20552.

*OMB Reviewer:* Milo Sunderhauf (202)  
395-6880, Office of Management and  
Budget, room 3001, New Executive  
Office Building, Washington, DC  
20503.

**Lois K. Holland,**

*Departmental Reports, Management Officer.*

[FR Doc. 91-7791 Filed 4-2-91; 8:45 am]

**BILLING CODE 4810-25-M**

# Sunshine Act Meetings

Federal Register

Vol. 56, No. 64

Wednesday, April 3, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## COMMODITY FUTURES TRADING COMMISSION

**TIME AND PLACE:** 10:00 a.m., Tuesday, April 16, 1991.

**PLACE:** 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement Matters.

### CONTACT PERSON FOR MORE

**INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 91-7979 Filed 4-1-91; 3:53 am]

**BILLING CODE 6351-01-M**

## COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., Tuesday, April 30, 1991.

**PLACE:** 2033 K St. NW., Washington, DC, Lower Lobby Hearing Room.

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

- Application of the Chicago Board of Trade for contract designation in Long-Term French Government Bond Futures
- Application of the Chicago Board of Trade for contract designation in Options on Long-Term French Government Bond Futures
- Application of the Chicago Mercantile Exchange for contract designation in Options on One-Month LIBOR futures

### CONTACT PERSON FOR MORE

**INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 91-7980 Filed 4-1-91; 3:53 pm]

**BILLING CODE 6351-01-M**

## COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:30 a.m., Tuesday, April 30, 1991.

**PLACE:** 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement Matters.

### CONTACT PERSON FOR MORE

**INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 91-7981 Filed 4-1-91; 3:53 pm]

**BILLING CODE 6351-01-M**

## COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 1:00 a.m., Tuesday, April 30, 1991.

**PLACE:** 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

**STATUS:** Closed

**MATTERS TO BE CONSIDERED:** Rule Enforcement Reviews.

### CONTACT PERSON FOR MORE

**INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 91-7982 Filed 4-1-91; 8:45 am]

**BILLING CODE 6351-01-M**

## FEDERAL ENERGY REGULATORY COMMISSION

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** March 27, 1991, 56 FR 12810.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** March 27, 1991, 10:00 a.m.

**CHANGE IN THE MEETING:** The following Docket Number has been added to Item CAG-15 on the Agenda scheduled for March 27, 1991:

*Item No., Docket No., and Company*

CAG-15—RP91-51-000, CNG Transmission Corporation

Lois D. Cashell,

*Secretary.*

[FR Doc. 91-7876 Filed 3-29-91; 4:48 pm]

**BILLING CODE 6717-02-M**

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of April 1, 8, 15, and 22, 1991.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Open and Closed.

### MATTERS TO BE CONSIDERED:

Week of April 1

Wednesday, April 3

10 a.m.

Periodic Briefing on Progress of Resolution of Generic Safety Issues (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Appeal from a Licensing Board Order LBP-91-1 in the Shoreham Proceeding (Tentative)

b. Appeal of Licensing Board Decision LBP-91-02 on Standing to Intervene in the Turkey Point Proceeding (Tentative)

### Week of April 8—Tentative

Friday, April 12

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

### Week of April 15—Tentative

Friday, April 19

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

### Week of April 22—Tentative

Tuesday, April 23

1:30 p.m.

Discussion/Possible Vote on Browns Ferry Unit 2 Restart

Wednesday, April 24

9 a.m.

Briefing on Nuclear Plant Aging Research (Public Meeting)

10:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Note:** Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meetings Call (Recording)—(301) 492-0292

### CONTACT PERSON FOR MORE

**INFORMATION:** William Hill—(301) 492-1661.

Dated: March 29, 1991.

William M. Hill, Jr.,

*Office of the Secretary.*

[FR Doc. 91-7951 Filed 4-1-91; 1:33 pm]

**BILLING CODE 7590-01-M**

## SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** [56 FR 12975, March 28, 1991].

**STATUS:** Open.

**PLACE:** 450 Fifth Street NW.,  
Washington, DC.

**DATE PREVIOUSLY ANNOUNCED:** Tuesday,  
March 26, 1991.

**CHANGE IN THE MEETING:** Addition.

The following additional item will be considered at an open meeting scheduled for Wednesday, April 3, 1991, at 10 a.m.:

1. Consideration of whether to propose for public comment new Rule 467 under the Securities Act of 1933. The proposed rule would require funds received and securities issued in a "blank check" offering to be held in escrow until specified conditions are met,

including providing information to investors concerning consummated acquisitions.

Also, the Commission will consider whether to adopt an amendment to Rule 174 under the Securities Act of 1933. The amendment would provide that the prospectus delivery period for blank check offerings would not terminate until 90 days after funds and securities were released from escrow pursuant to Rule 467.

Also, the Commission will consider whether to propose for comment proposed new Rule 15g-8 under the Securities Exchange Act of 1934. The proposed rule would prevent trading in securities held in escrow.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Daniel Hirsch at (202) 272-2100.

Dated: April 1, 1991.

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 91-7950 Filed 4-1-91; 1:32 pm]

**BILLING CODE 8010-01-M**

# Corrections

Federal Register

Vol. 56, No. 64

Wednesday, April 3, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 916, 917 and 958

[Docket Nos. FV-90-119 and FV-90-165]

#### Hectarines and Fresh Pears, Plums, and Peaches Grown in California; and Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Corrections

##### Correction

In rule document 91-5660 appearing on page 10359 in the issue of Tuesday, March 12, 1991, make the following correction:

In the second column, in the paragraph 1. under the heading for part 517, in the second line, "24233" should read "24223".

BILLING CODE 505-01-D

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[TA91-1-5-000]

#### Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

##### Correction

In notice document 91-3527 appearing on page 6013 in the issue of Thursday, February 14, 1991, in the third column, in the first line, the docket number should read as set forth above.

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-943-01-4212-13; IDI-16452, IDI-27112]

#### Exchange and Order Providing for Opening of Public Lands; Idaho

##### Correction

In notice document 91-2522 appearing on page 4297 in the issue of Monday, February 4, 1991, make the following corrections:

In the first column, in the first land description under **Boise Meridian** make the following changes:

a. The sixth line should read "W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ".

b. The seventh line should begin "Sec. 14, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ".

c. The eleventh line should begin "Sec. 34, NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ".

BILLING CODE 1505-01-D

## INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 489]

### Railroad Revenue Adequacy, 1989 Determination

##### Correction

In notice document 90-27189 appearing on page 48177 in the issue of Monday, November 19, 1990, make the following correction:

In the second column, in the paragraph under "**SUMMARY**", in the last line, change "inadequate" to "adequate" and add "The remaining carriers are found to be inadequate." thereafter.

BILLING CODE 1505-01-D

# **Federal Register**

Wednesday  
April 3, 1991

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## **Part II**

### **Department of Transportation**

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**Federal Aviation Administration**

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**14 CFR Part 71**

**Proposed Alteration of the Dallas-Fort  
Worth Terminal Control Area and  
Revocation of the Dallas Love Field  
Airport Airport Radar Service Area, TX;  
Proposed Rule**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 90-AWA-14]

**Proposed Alteration of the Dallas-Fort Worth Terminal Control Area and Revocation of the Dallas Love Field Airport Radar Service Area; TX****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to alter the Dallas-Fort Worth, TX, Terminal Control Area (TCA) and revoke the Airport Radar Service Area (ARSA) at Dallas Love Field, TX. This proposal would raise the upper limits of the TCA to 10,000 feet mean sea level (MSL) to enable air traffic control (ATC) to provide terminal ATC service to arriving and departing turbojet aircraft in a TCA environment throughout transition to and from the en route structure. Additionally, this proposal would extend the lateral limits of the TCA from 20 to 30 nautical miles from the airport, to provide an area wherein ATC can provide TCA control and services throughout critical maneuvering phases of flight operations in the terminal area. The proposal would expand the inner area to 10 miles, including an extension encompassing Dallas Love Field, and it would enhance air traffic procedures and simplify visual flight rules (VFR) transient operations outside TCA airspace.

**DATES:** Comments must be received on or before June 3, 1991.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC-10], Airspace Docket No. 90-AWA-14, 800 Independence Avenue SW., Washington, DC 20591.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Alton D. Scott, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal

Aviation Administration, 800 Independence Avenue SW., Washington, DC. 20591; telephone: (202) 267-9252.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-AWA-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**Related Rulemaking Actions**

On May 21, 1970, the FAA published amendment 91-78 to part 91 of the Federal Aviation Regulations (FAR)

which provided for establishment of TCAs (35 FR 7782).

On February 3, 1987, the FAA published a final rule which established requirements pertaining to the use, installation, inspection, and testing of Air Traffic Control Radar Beacon System (ATCRBS) and Mode S transponders in U.S.-registered civil aircraft (53 FR 3380). The rule did not affect the requirement to use a transponder for operation in a TCA.

On June 21, 1988, the FAA published a final rule which established the requirement for Mode C equipment when operating within 30 miles of any designated TCA-primary airport from the surface up to 10,000 feet MSL, except for operations by certain aircraft types specifically excluded (53 FR 23356).

On October 14, 1988, the FAA published a final rule which revised the classification and pilot/equipment requirements for conducting operations in a TCA (53 FR 40318). Specifically, the rule: (a) established a single-class TCA; (b) required the pilot-in-command of a civil aircraft operating within a TCA to hold at least a private pilot certificate, except for a student pilot who has received certain documented training; and (c) eliminated the helicopter exception from the minimum navigational equipment requirement.

**Background**

The TCA program was developed to reduce the midair collision potential in the congested airspace surrounding airports with high density air traffic by providing an area in which all aircraft will be subject to certain operating rules and equipment requirements.

The density of traffic and the type of operations being conducted in the airspace surrounding major terminals increase the probability of midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier, military, or another GA aircraft. The basic causal factor common to these conflicts was the mix of uncontrolled aircraft operating under VFR and controlled aircraft operating under instrument flight rules (IFR). TCAs provide a method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of TCA airspace afford the greatest protection for the greatest number of people by providing ATC an increased capability to provide aircraft separation service, thereby minimizing the mix of controlled and uncontrolled aircraft.

To date, the FAA has established a total of 29 TCAs. The FAA is proposing

to take action to modify or implement the application of these proven control techniques to more airports to provide greater protection of air traffic in the airspace regions most commonly used by passenger-carrying aircraft.

#### Pre-NPRM Public Input

Informal airspace meetings were held in the Dallas-Fort Worth area on August 4, 9, and 11, 1988. These meetings provided local aviation interests and airspace users an opportunity to give input to the proposed alteration of the Dallas-Fort Worth TCA. Three written comments from private citizens were received during the public comment period following the informal airspace meetings.

Both verbal and written comments from the airspace meetings addressed the FAA's proposed alteration as presented at the informal airspace meetings. Public comments, along with FAA findings and justifications, are summarized as follows:

1. Many commenters opposed the Mode C rule (Notice No. 88-2) and offered considerable discussion. The FAA recognizes that the establishment of a TCA and the effect of the Mode C rule are related; however, the TCA design and the Mode C requirement are separate matters because the Mode C requirement extends to a radius of 30 miles from the TCA primary airport regardless of the design of TCA airspace.

2. Many commenters stated that they needed additional airspace below the TCA for local operation. The FAA agrees and is proposing to raise the floor of the TCA in several areas, where operationally practical, to accommodate some of these requests.

3. Some commenters complained that the 12,500-foot MSL ceiling was too high. The FAA agrees and is proposing to lower the ceiling to 10,000 feet MSL.

4. Some pilots operating from Addison Airport recommended that the boundary of the TCA north of Dallas Love be defined by the Lyndon B. Johnson (LBJ) Freeway, I-635. The FAA agrees and has incorporated the recommendation into this proposal.

5. Several pilots who operate on the west side of the Dallas-Fort Worth TCA recommended that the FAA raise the TCA floor west of Interstate Highway I-35 West to at least 3,500 feet MSL. The FAA agrees and has incorporated the recommendation into this proposal. Additionally, the FAA proposes to raise the ceiling to 5,000 feet MSL in the vicinity of Carswell AFB.

6. Some commenters recommended that the TCA include airspace to contain turboprop commuter operations. The

FAA agrees and has incorporated the recommendation into this proposal.

7. A student pilot concerned about lowering the TCA floor to the surface over Dallas Love Field commented on his need to have access to the general aviation Flight Standards District Office (FSDO) located at Dallas Love. The FAA does not intend to prohibit access to the Dallas FSDO by student pilots. However, to operate solo in a TCA, student pilots must obtain specific training and logbook endorsements from certified flight instructors before conducting such operations.

8. Several commenters stated that there is no need to modify the current Dallas-Fort Worth TCA. Since the TCA's implementation in 1974, the combined growth in operations at the Dallas-Fort Worth International Airport and the surrounding satellite airports have made the Dallas-Fort Worth Terminal Radar Approach Control Facility (TRACON) number three in the nation in IFR operations, with 1,062,754 instrument operations in 1988. Analysis of air traffic in the Dallas-Fort Worth terminal area indicates that traffic will increase by as much as 100 percent over the next 10 years. To handle the increasing complexity and heavy traffic demands and to avoid the delays that would threaten the growth and stability of the aviation community serving the Dallas-Fort Worth metroplex, it is essential to modify the current TCA. This proposal considers updated air traffic procedures and provides TCA airspace for all IFR operations requiring TCA protection while providing airspace for VFR operations. This TCA change also would meet the requirements of the Dallas-Fort Worth Metroplex Plan.

9. One commenter recommended that the very high frequency omnidirectional radio range and distance measuring equipment (VOR/DME) from the Dallas-Fort Worth very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC) be used to define the boundaries of the TCA. The FAA agrees and, to accommodate the recommendation in this proposal, has defined most subareas exclusively using VOR/DME from the Dallas-Fort Worth VORTAC.

#### The Proposal

The FAA is considering an amendment to part 71 of the FARs (14 CFR part 71) to modify the TCA at Dallas-Fort Worth, TX, and to revoke the ARSA at Dallas Love Field, TX. The mix of small propeller and high performance aircraft at lower altitudes around Dallas Love Field necessitates a TCA design that includes Dallas Love

Field and further increases safety within the Dallas Love Field area. This alteration would better serve the users, as well as the FAA, by providing airspace configured to handle new procedures and the increased amount of operations. The FAA has determined that modifying the TCA at the Dallas-Fort Worth International Airport and including Dallas Love Field in the TCA is in the interest of flight safety and would result in a greater degree of protection for the greatest number of people during flight in the terminal area. The proposed alteration is depicted on the attached chart.

Section 91.131 of the FARs (14 CFR part 91) defines TCAs and prescribes operating rules for aircraft in airspace designated as a TCA. The TCA rule provides, in part, that prior to entering the TCA, any pilot arriving at any airport within the TCA or flying through the TCA must:

(1) obtain appropriate authorization from ATC; (2) comply with applicable procedures established by ATC for pilot training operations at an airport within a TCA; (3) hold at least a private pilot certificate; and (4) meet the requirements of § 61.95 of the FARs (14 CFR part 61) if the aircraft is operated by a student pilot.

Any person operating an aircraft arriving at any airport within a TCA or flying through a TCA must have the aircraft equipped with: an operable VOR or TACAN receiver; an operable two-way radio capable of communications with ATC on appropriate frequencies for that TCA; and the applicable operating transponder and automatic altitude-reporting equipment specified in paragraph (a) of § 91.215 of the FARs, except as provided in paragraph (d) of that section. Unless otherwise authorized by ATC, all large, turbine-engine-powered aircraft operating to or from a TCA-primary airport must be operated above the designated floors of the TCA. The pilot of any aircraft departing from an airport located within a TCA is required to receive a clearance from ATC prior to takeoff.

All aircraft operating within a TCA are required to comply with all ATC clearances and instructions. However, the TCA rule permits ATC to authorize deviations from any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of the airspace can be attained. Ultralight vehicle operations and parachute jumps in a TCA may only be conducted under the terms of an ATC authorization.

Definitions, operating requirements, and specific airspace designations

applicable to TCAs may be found in §§ 71.12 and 71.401 of the FARs (14 CFR part 71); and §§ 91.1 and 91.131 of the FARs (14 CFR part 91).

The standard configuration of a TCA consists of three concentric circles centered on the primary airport extending to 10, 20, and 30 nautical miles, respectively. The vertical limits of the TCA are 12,500 feet MSL, with the floor established at the surface in the inner area and at levels appropriate to containment of operations in the outer areas. Variations of these criteria may be authorized contingent upon terrain, adjacent regulatory airspace, and factors unique to the terminal area. The airspace configuration contained herein is the result of an extensive staff study conducted by FAA authorities after obtaining public input from informal airspace meetings and written comments and coordinating with the FAA regional office. The FAA has determined that the proposed alteration of airspace for the Dallas-Fort Worth TCA would be consistent with TCA objectives. The proposed configuration considers the present terminal area flight operations and terrain as follows:

1. This alteration would expand the existing inner-core area to 10 miles from the airport, with an extension to the southeast to contain instrument approach/departure procedures for Dallas Love Field. Because of traffic interaction between Dallas-Fort Worth and Dallas Love Field, additional airspace is required to protect the final approach course for aircraft transitioning to final approach visually or on radar vectors for an instrument approach. The LBJ Freeway, I-635, is used to depict the TCA boundary. Consistent with public comments, the vertical limits of the TCA is proposed at 10,000 feet MSL.

2. The intermediate area, which includes airspace between the 10- and 20-DME arcs, excluding the surface area, contains subarea floors that vary from 1,800 to 3,500 feet MSL. This airspace is necessary to provide a stepdown profile containing aircraft in the radar traffic pattern transitioning to the final approach course from the downwind and base legs of the traffic pattern for the primary airport and for Dallas Love Field, while providing airspace necessary for transitioning turboprop departures to the en route environment.

3. The outer area, proposed between the 20- and 30-nautical mile (NM) arc, contains floors varying from 4,000 to 5,000 feet MSL. This airspace would provide an area to contain aircraft during climb and descent profiles to transition between the terminal and en route structure, and allow VFR aircraft

to circumnavigate the TCA. Arriving turbojet and turboprop aircraft would enter terminal airspace from four designated areas, while departing aircraft would generally be funneled between the arrivals. The configuration of the outer area is designed to allow sufficient airspace for departures while allowing arriving aircraft to be vectored and sequenced to the final approach courses. This configuration would also preserve airspace below the TCA for nonparticipating aircraft.

The preceding summary of the proposed alteration of the TCA airspace configuration identifies that airspace which is necessary to contain large turbojet aircraft operations at the Dallas-Fort Worth International Airport and at the Dallas Love Field Airport. ATC would provide control and separation of all flights within the proposed airspace boundaries. Furthermore, ATC authorization is required for aircraft operations within that airspace. Modifying this TCA would greatly enhance the safety of flight within the congested airspace overlying the Dallas-Fort Worth metropolitan area by facilitating the separation of controlled and uncontrolled flight operations. Sections 71.401(b) and 71.501 of the FARs were republished in handbook 7400.6C, Compilation of Regulations, dated September 4, 1990.

#### Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides detailed estimates of the economic consequences of this proposed regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimates of the costs and benefits to the private sector, consumers, and Federal, state, and local governments.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or to modify existing regulations only if potential benefits to society outweigh potential costs for each regulatory change. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly-defined exigencies. A major rule is one that is likely to have an annual impact on the economy of \$100 million or more, to have a major increase in consumer costs, to have a significant adverse effect on competition, or is highly controversial.

The FAA has determined that this proposal is not major as defined in the Executive Order. Therefore, a full regulatory analysis that includes the

identification and evaluation of cost-reducing alternatives to the proposal has not been prepared. Instead, the agency has prepared a more concise regulatory evaluation that analyzes only this proposal without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains an initial regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (P.L. 96-354) and an international trade impact assessment. The complete regulatory evaluation, which contains more detailed economic information than this summary provides, is available in the docket.

#### Cost-Benefit Analysis

The primary objective of this proposed rule is to enhance aviation safety.

An examination of the costs and the benefits associated with the modifications of the Dallas-Fort Worth TCA are presented below.

#### Costs

The FAA believes that negligible additional administrative costs and no additional equipment costs to the agency would be associated with implementation of the proposed rule. The additional operations workload generated by this proposed rule would be absorbed by current personnel and equipment resources, which are already in place at the Dallas-Fort Worth TRACON. A one-time cost of approximately \$2,250 would be incurred to rent three meeting rooms to brief area pilots on the boundaries and procedures of the proposed TCA modification.

The proposed rule would not impose any costs for additional equipment on users of the airspace around Dallas-Fort Worth. All aircraft operating within 30 nautical miles of a TCA are currently required to have transponders with automatic altitude reporting capability (Mode C), so the extension of the lateral boundaries of the Dallas-Fort Worth TCA to 30 miles would not add equipment requirements to aircraft that now use the airspace in the extension. Aircraft that are flown under IFR are already equipped with two-way radios that are capable of communicating with ATC. Aircraft that are flown only under VFR are usually equipped with two-way radios as well; therefore, there would be no need for additional avionics for these aircraft.

Some GA pilots may incur costs if they choose to circumnavigate the TCA or fly over or under it, rather than enter it. These costs are expected to be negligible, however, since most pilots

are expected to contact Dallas-Fort Worth TRACON to receive clearance to enter the TCA.

#### Benefits

This proposed rule is expected to generate benefits primarily in the form of enhanced safety to the aviation community and the flying public. There would be a lowered risk of midair collisions due to the increase in TCA airspace around Dallas-Fort Worth, including incorporating the Dallas Love Field ARSA into the Dallas-Fort Worth TCA, thereby reducing the chance of casualty loss (i.e., aviation fatalities and injuries) and property damage.

Because the proposed rule would make safety-enhancing changes before any accident occurred, the potential safety benefits are difficult to quantify. Implementation of the Mode C rule, which mandates the use of altitude-encoding transponders within 30 nautical miles of a TCA, and the Terminal Collision Avoidance Systems (TCAS) rule, which requires certain aircraft to have collision avoidance guidance equipment, have already enhanced aviation safety by lowering the probability of midair collisions.

This proposed rule is expected to reduce the risk of a midair collision even further. A statistical model based on actual and projected critical near midair collisions (CNMACs) developed by the FAA estimates that over the next 15 years, 18 CNMACs, or about one CNMAC every year, would be avoided by incorporating the Dallas Love Field ARSA into the Dallas-Fort Worth TCA. Because of the Mode C and TCAS rules, many of these predicted CNMACs may not occur. Nevertheless, revoking the Dallas Love Field ARSA and making the airspace part of the Dallas-Fort Worth TCA is expected to result in increased safety in the entire TCA.

#### Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules which may have a significant economic impact on a substantial number of small entities. The small entities which could be potentially affected by the implementation of this proposed rule are unscheduled operators of aircraft for hire owning nine or fewer aircraft. Only those unscheduled aircraft operators without the capability to operate under IFR conditions would be potentially impacted by this proposed rule. The FAA believes that all of the potentially

impacted unscheduled aircraft operators are already equipped to operate under IFR conditions because these unscheduled aircraft operators fly regularly into airports where radar approach control services have been established, that is, where operating aircraft must be IFR-equipped. Therefore, the FAA believes that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act of 1980.

#### International Trade Impact Assessment

This proposed rule would neither have an effect on the sale of foreign aviation products or services in the United States, nor would it have an effect on the sale of U.S. products or services in foreign countries.

#### Federalism Implications

This proposed regulation would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, preparation of a Federalism assessment is not warranted.

#### Environmental Review

An Environmental Impact Statement (EIS) is being prepared for proposed new Runways 16/34 East and 16/34 West and other airport projects at the Dallas-Fort Worth Airport in accordance with the requirements of the National Environmental Policy Act of 1969. The proposed modification of the Dallas-Fort Worth TCA is not related to the proposed airport improvement projects at the Dallas-Fort Worth Airport and is not included within the scope of the draft EIS prepared for those projects. The modification of the Dallas-Fort Worth TCA would have a minimal effect on existing air traffic procedures and routing of air traffic in the Dallas-Fort Worth terminal area. FAA Handbook 1050.1D, Policies and Procedures for Considering Environmental Impacts, provides that the establishment or modification of TCAs is categorically excluded from environmental assessment. Because of the minimal effect of this proposal on the routing of aircraft, and the fact that the proposed changes to airspace designations are unrelated to planned facility improvements at Dallas-Fort Worth Airport, the agency finds that no extraordinary circumstances exist and this proposal is subject to categorical

exclusion from further environmental review.

#### Conclusion

Because the costs (which include the costs of circumnavigation for a small number of GA pilots, and \$2,250 to the FAA to conduct user briefings) would be negligible while the aviation safety could be increased, the FAA believes that the rule is cost-beneficial. For the reasons discussed under "Regulatory Evaluation Summary," the FAA has determined that this proposed regulation is not major under Executive Order 12291 and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 14 CFR Part 71

Airport radar service areas, Aviation safety, Terminal control areas.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.401(b) [Amended]

2. Section 71.401(b) is amended by revising the Dallas-Fort Worth, TX, description to read as follows:

#### Dallas-Fort Worth, TX [Revised]

##### Primary Airport

Dallas-Fort Worth Airport (lat. 32°53'47"N., long. 97°02'28"W.).

Dallas-Fort Worth VORTAC (lat. 32°51'57"N., long. 97°01'40"W.).

##### Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL beginning at the Dallas-Fort Worth VORTAC (DFW) 070° radial 10-mile DME fix, thence eastbound on the LBJ Freeway (Highway 635) until the DFW 079° radial 15-mile DME fix, extending clockwise on the DFW VORTAC 15-mile arc until the DFW 121° radial 15-mile DME fix, thence northwest on the DFW 121° radial until the DFW 121° radial 10-mile DME fix, extending clockwise

on the DFW 10-mile arc until the DFW 161° radial 10-mile DME fix, thence north on the DFW 161° radial until the DFW 161° radial 7-mile DME fix, extending clockwise on the DFW 7-mile arc until the DFW 302° radial 7-mile DME fix, thence northwest on the DFW 302° radial until the DFW 302° radial 10-mile DME fix, and extending clockwise on the DFW 10-mile arc to the point of beginning.

Area B. That airspace extending upward from 1,800 feet MSL to and including 10,000 feet MSL beginning at the DFW 302° radial 10-mile DME fix, thence southeast on the DFW 302° radial until the DFW 302° radial 7-mile DME fix, extending counterclockwise on the DFW 7-mile arc until the DFW 209° radial 7-mile DME fix, thence southwest on the DFW 209° radial until the DFW 209° radial 10-mile DME fix, and extending clockwise on the 10-mile arc to the point of beginning.

Area C. That airspace extending upward from 2,000 feet MSL to and including 10,000 feet MSL beginning at the DFW 209° radial 7-mile DME fix, extending counterclockwise on the DFW 7-mile arc until the DFW 161° radial 7-mile DME fix, thence south on the DFW 161° radial until the DFW 161° radial 10-mile DME fix, extending clockwise on the DFW 10-mile arc until the DFW 209° radial 10-mile DME fix, and thence northeast on the DFW 209° radial to the point of beginning.

Area D. That airspace extending upward from 2,000 feet MSL to and including 10,000 feet MSL beginning at the DFW 292° radial 10-mile DME fix, thence north on the DFW 292° radial until the DFW 292° radial 13-mile DME fix, extending clockwise on the 13-mile arc until the DFW 317° radial 13-mile DME fix, thence northwest on the DFW 317° radial until the DFW 317° radial 15-mile DME fix, extending clockwise on the DFW 15-mile arc until the DFW 015° radial 15-mile DME fix, thence south on the DFW 015° radial until the DFW 015° radial 10-mile DME fix, and extending counterclockwise on the DFW 10-mile arc to the point of beginning.

Area E. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL beginning at the DFW 292° radial 10-mile DME fix, extending counterclockwise on the DFW 10-mile arc to the DFW 209° radial 10-mile DME fix, thence southwest on the DFW 209° radial until the DFW 209° radial 13-mile DME fix, extending clockwise on the DFW 13-mile arc until the DFW 292° radial 13-mile DME fix, and thence southeast

on the DFW 292° radial until the point of beginning.

Area F. That airspace extending upward from 2,500 feet MSL to and including 10,000 feet MSL beginning at the DFW 209° radial 10-mile DME fix, extending counterclockwise on the DFW 10-mile arc until the DFW 121° radial 10-mile DME fix, thence southeast on the DFW 121° radial until the DFW 121° radial 15-mile DME fix, extending clockwise on the DFW 15-mile arc until the DFW 209° radial 15-mile DME, and thence northeast on the DFW 209° radial to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL beginning at the DFW 209° radial 15-mile DME fix, extending counterclockwise on the DFW 15-mile arc until the DFW 121° radial 15-mile DME fix, thence southeast on the DFW 121° radial until the DFW 121° radial 20-mile DME fix, extending clockwise on the DFW 20-mile arc until the DFW 209° radial 20-mile DME fix, and thence northeast on the DFW 209° radial to the point of beginning.

Area H. That airspace extending upward from 3,500 feet MSL to and including 10,000 feet MSL beginning at the DFW 209° radial 13-mile DME fix, thence southwest on the DFW 209° radial until the DFW 209° radial 20-mile DME fix, extending clockwise on the DFW 20-mile arc until the DFW 292° radial 20-mile DME fix, thence southeast on the DFW 292° radial until the DFW 292° radial 13-mile DME fix, and extending counterclockwise on the DFW 13-mile arc to the point of beginning.

Area I. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL beginning at the DFW 292° radial 13-mile DME fix, thence northwest on the DFW 292° radial until the DFW 292° radial 20-mile DME fix, extending clockwise on the DFW 20-mile arc until the DFW 087° radial 20-mile DME fix, extending northwest along the LBJ Freeway until the DFW 062° radial 10-mile DME fix, extending counterclockwise on the DFW 10-mile arc until the DFW 015° radial 10-mile DME fix, thence north on the DFW 015° radial until the DFW 015° radial 15-mile DME fix, extending counterclockwise on the DFW 15-mile arc until the DFW 317° radial 15-mile DME fix, thence southeast on the DFW 317° radial to the DFW 317° radial 13-mile DME fix, and extending counterclockwise on the DFW 13-mile arc to the point of beginning.

Area J. That airspace extending upward from 2,500 feet MSL to and including 10,000 feet MSL beginning at the DFW 079° radial 15-mile DME fix, extending clockwise on the DFW 15-mile arc until the DFW 121° radial 15-mile DME fix, thence southeast on the DFW 121° radial until the DFW 121° radial 20-mile DME fix, extending counterclockwise on the DFW 20-mile arc until the DFW 087° radial 20-mile DME fix, and extending northwest along the LBJ Freeway to the point of beginning.

Area K. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL beginning at the DFW 321° radial 30-mile DME fix, extending clockwise on the DFW 30-mile arc until the DFW 328° radial 30-mile DME fix, thence east to the DFW 012° radial 30-mile DME fix, extending clockwise on the DFW 30-mile arc until the DFW 154° radial 30-mile DME fix, thence west to the DFW 188° radial 30-mile DME fix, extending clockwise on the DFW 30-mile arc until the DFW 209° radial 30-mile DME fix, thence northeast on the DFW 209° radial until the DFW 209° radial 20-mile DME fix, extending counterclockwise on the DFW 20-mile arc until the DFW 321° radial 20-mile DME fix, and thence northwest on the 321° radial to the point of beginning.

Area L. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL beginning at the DFW 209° radial 30-mile DME fix, extending clockwise on the DFW 30-mile arc until the DFW 321° radial 30-mile DME fix, thence southeast on the 321° radial until the DFW 321° radial 20-mile DME fix, extending counterclockwise on the DFW 20-mile arc until the DFW 209° radial 20-mile DME fix, and thence southwest on the 209° radial to the point of beginning.

#### § 71.501 [Amended]

3. Section 71.501 is amended by removing the Dallas Love Field, TX, description.

*Dallas Love Field, TX [Removed]*

Issued in Washington, DC, on March 26, 1991.

**Alton D. Scott,**

*Acting Manager, Airspace-Rules and Aeronautical Information Division.*

BILLING CODE 4910-13-M





# Federal Register

Wednesday  
April 3, 1991

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## Part III

# Environmental Protection Agency

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**Intent To Suspend Certain Pesticide  
Registrations; Notice**

**ENVIRONMENTAL PROTECTION  
AGENCY**

[OPP-60015; FRL-3878-2]

**Intent to Suspend Certain Pesticide  
Registrations****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Notice of issuance of notices of  
intent to suspend.

**SUMMARY:** This Notice, pursuant to section 6 (f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, announces that EPA has issued Notices of Intent to Suspend pursuant to section 3(c)(2)(B) of FIFRA. The Notices were issued following issuance of Data Call-In Notices by the Agency and the failure of registrants subject to the Data Call-In Notices to take appropriate steps to secure the data required to be submitted to the Agency. This Notice includes the text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information. Table A of this Notice further identifies the registrants to whom the Notices of Intent to Suspend were issued, the date each Notice of Intent to Suspend was issued, the active ingredient(s) involved, and the EPA registration numbers and names of the registered product(s) which are affected by the Notices of Intent to Suspend. Moreover, this Notice identifies the basis upon which the Notices of Intent to Suspend were issued. Finally, matters pertaining to the timing of requests for hearing are specified in the Notices of Intent to Suspend and are governed by the deadlines specified in section 3 (c)(2)(B). As required by section 6 (f)(2), the Notices of Intent to Suspend were sent by certified mail, return receipt requested, to each affected registrant at its address of record.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Brozema, Office of Compliance Monitoring (EN-342), Laboratory Data Integrity Assurance Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (703) 308-8267.

**SUPPLEMENTARY INFORMATION:****I. Text of a Notice of Intent to Suspend**

The text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information, follows:

United States Environmental Protection  
Agency,

Office of Pesticides and Toxic Substances,  
Washington, DC 20460

Certified Mail

Return Receipt Requested

[Addressee Information]

SUBJECT: Suspension of Registration of  
Pesticide Product(s) Containing  
\_\_\_\_\_ for Failure to Comply with  
the 3(c)(2)(B) Data Call-In Notice for  
\_\_\_\_\_ Dated \_\_\_\_\_

This letter gives you notice that the pesticide product registrations listed in Attachment I will be suspended 30 days from your receipt of this letter unless you take steps within that time to prevent this Notice from automatically becoming a final and effective order of suspension. The Agency's authority for suspending the registrations of your products is section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Upon becoming a final and effective order of suspension, any violation of the order will be an unlawful act under section 12 (a)(2)(J) of FIFRA.

You are receiving this Notice of Intent to Suspend because you have failed to comply with the terms of the 3(c)(2)(B) Data Call-In Notice. The specific items where failure to comply has resulted in this intent to suspend are listed in the following two attachments:

Attachment I Suspension Report -  
Product ListAttachment II Suspension Report -  
Requirement List

The suspension of the registration of each product listed in Attachment I will become final unless at least one of the following actions is completed.

1. You may avoid suspension if you or another person adversely affected by this Notice properly request a hearing within 30 days of your receipt of this Notice. If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164. Section 3(c)(2)(B), however, provides that the only issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this Notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. If a hearing is requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products.

A request for a hearing must (1) State which allowable issues are to be heard at the hearing, (2) identify the registrations for which a hearing is

requested, and (3) set forth all necessary supporting facts, pertaining to any of the allowable issues for which you have requested a hearing. Three copies of the request must be submitted to: Hearing Clerk, A-110, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, and an additional copy should be sent to the signatory listed below. The request must be received by the Hearing Clerk by the 30th day from your receipt of this Notice in order to be legally effective. The 30-day time limit cannot be extended. Failure to meet the 30-day time limit will result in automatic suspension of your registration(s).

2. You may also avoid suspension if, within 30 days of your receipt of this Notice, the Agency determines that you have taken appropriate steps to comply with the section 3(c)(2)(B) Data Call-In Notice. In order to avoid suspension under this option, you must satisfactorily comply with Attachment II, Requirement List, for each product by submitting all required supporting data/information to the following address (preferably by certified mail):

Office of Compliance Monitoring (EN-342), Laboratory Data Integrity Assurance Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

For you to avoid automatic suspension, the Agency must also determine within the applicable 30-day period that you have satisfied the requirements that are the bases of this Notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your product(s).

The suspension of the registration(s) of your company's product(s) pursuant to this Notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this Notice. Such compliance may only be achieved by submission of the data/information described in the attachments to the signatory below.

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this Notice and so informs you in writing.

After the suspension becomes final and effective, the registrant subject to this Notice, including all supplemental registrants of product(s) listed on Attachment I, may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive

and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Persons other than the registrant subject to this Notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Nothing in this Notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I in any manner which

would have been unlawful prior to the suspension.

If the registrations of your products listed in Attachment I are currently suspended as a result of failure to comply with another section 3(c)(2)(B) Data Call-In Notice, this Notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspensions must be satisfied before the registration will be reinstated.

You are reminded that it is your responsibility as the basic registrant to notify all supplementary registered distributors of your basic registered product that this suspension action also applies to their supplementary

registered products and that you may be held liable for violations committed by your distributors.

If you have any questions about the requirements and procedures set forth in this suspension notice or in the 3(c)(2)(B) Data Call-In Notice, please contact Stephen L. Brozena at (703) 308-8267.

Sincerely yours,

Director, Office of Compliance  
Monitoring

Attachments:  
Attachment I - Product List  
Attachment II - Requirement List

II. Registrants Receiving and Affected by Notices of Intent to Suspend; Date of Issuance, Products Affected, and Reason

TABLE A.— PRODUCT LIST

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
Pennsylvania Engineering Co.	000087-00008	Aerosect Contains Pyrethrum .....	3/29/91	Inadequate
Ciba-Geigy Corp.	000100 CA-77-0039	Supracide 2e Insecticide-Miticide .....	3/29/91	Nonresponse
	000100 CA-81-0005	D-Z-N Diazinon 50w Insecticide .....	3/29/91	Nonresponse
	000100 CA-82-0002	Geigy Diazinon 14g (14.3% Granular) Insecticide .....	3/29/91	Nonresponse
	000100 CA-83-0009	Geigy Diazinon 14g (14.3% Granular) Insecticide .....	3/29/91	Nonresponse
Golden Pride/W. T. Rawleigh	000108-00051	Mr. Groom Protein Shampoo Flea and Tick Concentrate .....	3/29/91	Nonresponse
	000108-00052	Flea & Tick Shampoo by Mr. Groom .....	3/29/91	Nonresponse
	000108-00053	Mr. Groom Flea Flea .....	3/29/91	Nonresponse
Dexol Industries	000192-00149	Dexol Dipel Biological Insect Control .....	3/29/91	Nonresponse
Hill Brothers Chemical Co.	000266-20002	Sodium Hypochlorite .....	3/29/91	Nonresponse
FMC Corp.	000279 AR-84-0009	Pounce Plus Methyl Parathion 2-5 EC Insecticide .....	3/29/91	Nonresponse
	000279 CA-76-0052	Furadan 4 Flowable .....	3/29/91	Nonresponse
	000279 CA-76-0208	Furadan 4 Flowable .....	3/29/91	Nonresponse
	000279 CA-79-0125	Niagara Furadan 10 Granular Insecticide .....	3/29/91	Nonresponse
	000279 CA-80-0183	Niagara Phos Kil 25 Spray .....	3/29/91	Nonresponse
	000279 CA-86-0037	Furadan 4 Flowable .....	3/29/91	Nonresponse
	000279 CA-86-0041	Pounce 3.2 EC Insecticide .....	3/29/91	Nonresponse
	000279 CA-87-0018	Ortho Malathion 50 Insect Spray .....	3/29/91	Nonresponse
	000279 CA-87-0030	Pounce 3.2 EC Insecticide .....	3/29/91	Nonresponse
	000279 DE-89-0001	Command 4ec .....	3/29/91	Nonresponse
	000279 GA-80-0010	Carbamate .....	3/29/91	Nonresponse
	000279 ME-84-0001	Funginex Emulsifiable Concentrate .....	3/29/91	Nonresponse
	000279 MS-82-0046	Furadan 15 G Insecticide-Nematicide .....	3/29/91	Nonresponse
	000279 MS-83-0012	Pounce Plus Methyl Parathion 2-5EC Insecticide .....	3/29/91	Nonresponse
	000279 OH-80-0002	Carbamate .....	3/29/91	Nonresponse
	000279 OR-76-0009	Carbamate .....	3/29/91	Nonresponse
	000279 OR-77-0006	Carbamate .....	3/29/91	Nonresponse
	000279 OR-82-0050	Carbamate .....	3/29/91	Nonresponse
	000279 PA-80-0016	Carbamate .....	3/29/91	Nonresponse
	000279 PR-79-0001	Furadan 4 Flowable .....	3/29/91	Nonresponse
000279 SC-80-0010	Carbamate .....	3/29/91	Nonresponse	
000279 UT-86-0003	Funginex Emulsifiable Concentrate .....	3/29/91	Nonresponse	
000279 VA-77-0005	Carbamate .....	3/29/91	Nonresponse	
000279 VT-84-0001	Carbamate .....	3/29/91	Nonresponse	
000279 WA-77-0031	Carbamate .....	3/29/91	Nonresponse	
Breen Laboratories	000283-00003	Solu Styril Germicide Solution .....	3/29/91	Nonresponse
	000283-00004	Neo Solu-Styril No. 5 Aqueous Germicidal Solution .....	3/29/91	Nonresponse
Wisconsin Pharnacal Co.	000305-00028	Repel Insect Repellent Spray .....	3/29/91	Nonresponse
	000305-00029	Repel Insect Repellent Towlette .....	3/29/91	Nonresponse
	000305-00030	Repel I 100 .....	3/29/91	Nonresponse
	000305-00031	Repel Insect Repellent Scented Family Formula .....	3/29/91	Nonresponse
	000305-00032	Repel Insect Repellent Sportsmen Formula .....	3/29/91	Nonresponse
	000305-00033	Repel Insect Repellent Aerosol Spray .....	3/29/91	Nonresponse
Dr. Kyle H. Sibinovic of Shaladra Bio-test Inc.	000334-00110	Vip Germicidal Liquid Detergent .....	3/29/91	Nonresponse
	000334-00132	Hy-Pine 7 Disinfectant .....	3/29/91	Nonresponse
	000334-00177	Fyte 60 Solid Atmosphere Odor Control .....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	000334-00197	Bergamot Disinfectant Coef. 6	3/29/91	Nonresponse
	000334-00239	Hysan Rose Spray	3/29/91	Nonresponse
	000334-00242	Aqua-Cide	3/29/91	Nonresponse
	000334-00248	Prim Dry Pet Shampoo Lusterizing-Foam	3/29/91	Nonresponse
	000334-00252	Ant Away Lawn & Garden Ant Hill Treatment Spray Insecticide	3/29/91	Nonresponse
	000334-00254	Gcc-531 Grounds Control Chemicals	3/29/91	Nonresponse
	000334-00257	Gcc-337 Granular Soil Sterilant	3/29/91	Nonresponse
	000334-00258	Gcc - 738	3/29/91	Nonresponse
	000334-00259	Gcc - 619	3/29/91	Nonresponse
	000334-00260	One Stroke Bacteriostatic Dust Controller	3/29/91	Nonresponse
	000334-00261	Aqua-Sect Concentrate	3/29/91	Nonresponse
	000334-00262	New-Sect	3/29/91	Nonresponse
	000334-00263	Rampel Rodent Repellent	3/29/91	Nonresponse
	000334-00264	Gcc - 533 Grounds Management Chemical	3/29/91	Nonresponse
	000334-00266	Gcc-615	3/29/91	Nonresponse
	000334-00267	Gcc-617	3/29/91	Nonresponse
	000334-00271	Gcc-534 Grounds Control Chemicals	3/29/91	Nonresponse
	000334-00272	Gcc-532 Grounds Control Chemicals	3/29/91	Nonresponse
	000334-00274	Aqua-Sect	3/29/91	Nonresponse
	000334-00275	Gcc - 810 Liquid Insecticide	3/29/91	Nonresponse
	000334-00280	Hycide Stimicide Algaecide	3/29/91	Nonresponse
	000334-00282	Hysect Insect Killer for Commercial & Industrial Use	3/29/91	Nonresponse
	000334-00267	No-Grow Non-Selective Weed & Brush Killer Concentrate	3/29/91	Nonresponse
	000334-00289	Blue Fyte Bowl Disinfectant Concentrate	3/29/91	Nonresponse
	000334-00294	Concentrated Insecticide the New Super Fly & Roach Spray	3/29/91	Nonresponse
	000334-00297	In the Pink Ceramic Cleaner & Disinfectant Deodorant	3/29/91	Nonresponse
	000334-00301	M C Aerosol Institutional Formula Insecticide	3/29/91	Nonresponse
	000334-00302	Disan Disinfectant & Sanitizer 10% Solution	3/29/91	Nonresponse
	000334-00304	Porcena Concentrated Liquid Porcelain Cleaner and Bowl	3/29/91	Nonresponse
	000334-00305	Gcc-545 All Purpose Selective Weed Killer for Most Lawns	3/29/91	Nonresponse
	000334-00307	Super Hykil Insect Killer	3/29/91	Nonresponse
	000334-00309	S-110 Aerosol Insect Killer	3/29/91	Nonresponse
	000334-00310	Sanitane Bacteriostatic Dust Controller	3/29/91	Nonresponse
	000334-00314	Pet Spray	3/29/91	Nonresponse
	000334-00315	Mt 400 Insecticide	3/29/91	Nonresponse
	000334-00316	Number One Hospital Disinfectant Deodorant	3/29/91	Nonresponse
	000334-00319	Disinfectant #6	3/29/91	Nonresponse
	000334-00321	Execute Super Synergized Insect Killer	3/29/91	Nonresponse
	000334-00332	Dma Salt of Mopp for Manufacturing Use Only	3/29/91	Nonresponse
	000334-00333	Waylay Insect Klr Kills Ants Roaches Spider and Other C.	3/29/91	Nonresponse
	000334-00353	Slingshot Wasp & Hornet Insecticide	3/29/91	Nonresponse
	000334-00355	Smite 25 Pressurized Spray Insecticide	3/29/91	Nonresponse
	000334-00358	Smite 35 Pressurized Spray Insecticide	3/29/91	Nonresponse
	000334-00359	Smite 50 Pressurized Spray Insecticide	3/29/91	Nonresponse
	000334-00360	Hysan Household Disinfectant and Deodorizer Spray	3/29/91	Nonresponse
	000334-00362	361 Insect Killer	3/29/91	Nonresponse
	000334-00370	Hy-Power Mosquito Adulticide	3/29/91	Nonresponse
	000334-00371	Big Blow Super Fogging Insect Killer	3/29/91	Nonresponse
	000334-00377	Insect Killer Kp-40	3/29/91	Nonresponse
	000334-00379	A-10 Insect Killer	3/29/91	Nonresponse
	000334-00380	Ps-62 Insect Killer for House & Garden	3/29/91	Nonresponse
	000334-00382	Ps-10 Insect Killer for House & Garden	3/29/91	Nonresponse
	000334-00396	P-150 Insecticide	3/29/91	Nonresponse
	000334-00397	W B 1000 Insecticide	3/29/91	Nonresponse
	000334-00414	Tower Algaecide 8.75	3/29/91	Nonresponse
	000334-00415	Tower Algaecide 17.5	3/29/91	Nonresponse
	000334-00416	225 Insect Killer	3/29/91	Nonresponse
	000334-00420	123 Yard and Patio Fogger	3/29/91	Nonresponse
	000334-00448	Hysan Fik-25 Insect Killer	3/29/91	Nonresponse
	000334-00450	Aero-Sect Aircraft Disinfectant	3/29/91	Nonresponse
	000334-00451	Pro-Shot Professional Strength Insect Killer	3/29/91	Nonresponse
	000334-00452	Hysan Gv Insecticide Aerosol D-Phenothrin 2%	3/29/91	Nonresponse
	000334-00458	Hysan Bulls-Eye Wasp & Hornet Killer	3/29/91	Nonresponse
	000334-00460	Aqua Kill Insect Killer Concentrate	3/29/91	Nonresponse
	000334-00461	Aquakil-50 Insecticide	3/29/91	Nonresponse
	000334-00462	Aquakil -35 Insecticide	3/29/91	Nonresponse
	000334-00464	Sting Insecticide	3/29/91	Nonresponse
	000334-00465	Aquakil-25 Insecticide	3/29/91	Nonresponse
	000334-00466	Hysan Dart Space and Contact Spray	3/29/91	Nonresponse
	000334-00467	Ww Insecticide Aqueous Pressurized Spray	3/29/91	Nonresponse
	000334-00468	Insecticide Aerosol Resmethrin-1.2%	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	000334-00469	Hysan Aqua-Spray Residual Contact Spray.....	3/29/91	Nonresponse
	000334-00470	Hysan Aqua-Stay Residual Contact Spray.....	3/29/91	Nonresponse
	000334-00471	Hysan Clean-Quat Swimming Pool Algaecide.....	3/29/91	Nonresponse
	000334-00482	Hysan Quad Cleaner.....	3/29/91	Nonresponse
	000334-00486	Quatsept.....	3/29/91	Nonresponse
	000334-00488	Synsly Concentrated Space and Contact Spray.....	3/29/91	Nonresponse
	000334-00493	Spoox 2 Residual Roach Killer.....	3/29/91	Nonresponse
	000334-00495	Trans-Kill II.....	3/29/91	Nonresponse
	000334-00496	Trans-Kill I.....	3/29/91	Nonresponse
	000334-00499	Hysan Weed-Out 1.5 Weed Killer.....	3/29/91	Nonresponse
	000334-00500	Aquaban Residual Spray Insecticide.....	3/29/91	Nonresponse
	000334-00501	Hysan Aqua-Spray Concentrate.....	3/29/91	Nonresponse
	000334-00504	Hysan Hy-Dri Insecticide Spray.....	3/29/91	Nonresponse
	000334-00505	Hysan Petsect Flea & Tick Spray.....	3/29/91	Nonresponse
	000334-00511	Aqua-Kill 2 Insect Killer Concentrate.....	3/29/91	Nonresponse
	000334-00514	Bug-Ban Residual and Contact Spray Insecticide.....	3/29/91	Nonresponse
	000334-00515	Water-Ban Residual and Contact Spray Insecticide...	3/29/91	Nonresponse
	000334-00516	All-Ban Residual & Contact Spray Insecticide.....	3/29/91	Nonresponse
	000334-00517	Sect-Ban Jet Stream-Aqueous Residual and Contact Insect.	3/29/91	Nonresponse
	000334-00520	H-Sect 0.35% Space and Residual Aqueous Pressurized Spray.	3/29/91	Nonresponse
	000334-00521	C-Sect Aqueous Pressurized Spray.....	3/29/91	Nonresponse
	000334-00523	E-Sect Liquid House & Garden Combination Insecticide.	3/29/91	Nonresponse
	000334-00524	F-Sect Liquid Spray.....	3/29/91	Nonresponse
	000334-00525	Hysan G-Sect.....	3/29/91	Nonresponse
	000334-00527	A-Sect Aqueous Pressurized Wasp Spray.....	3/29/91	Nonresponse
	000334-00544	Concentrated Bowl Sanitizer.....	3/29/91	Nonresponse
E. I. Du Pont Denemours & Co., Inc.	000352 CA-76-0026	Dupont Karmex.....	3/29/91	Nonresponse
	000352 CA-76-0039	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 CA-76-0040	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 CA-76-0189	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 CA-77-0068	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 CA-78-0046	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 CA-78-0136	Du Pont Lannate Methomyl Insecticide.....	3/29/91	Nonresponse
	000352 CA-79-0223	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 CA-80-0036	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 HI-78-0003	Du Pont Karmex Weed Killer.....	3/29/91	Nonresponse
	000352 MO-81-0017	Du Pont Benlate Fungicide.....	3/29/91	Nonresponse
	000352 MO-82-0022	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 NC-81-0031	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352 NC-83-0005	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	000352-00199	Karmex Di Diuron Weed Killer.....	3/29/91	Nonresponse
	000352-00332	10% Bromacil Pellets Weed Killer.....	3/29/91	Nonresponse
	000352-00374	Zobar 1 Weed Killer Wettable Powder.....	3/29/91	Nonresponse
	000352-00409	Dupont 80% Bromacil Powder.....	3/29/91	Nonresponse
	000352-00410	4% Bromacil + 4% Diuron Granular Weed Killer.....	3/29/91	Nonresponse
	000352-00411	Dupont 40 % Bromacil and 40% Diuron Powder.....	3/29/91	Nonresponse
	000352-00412	4% Bromacil Granular Weed Killer.....	3/29/91	Nonresponse
	000352-00413	Dupont 21.9% Bromacil Liquid Concentrate.....	3/29/91	Nonresponse
	000352-00414	7.5% Bromacil Liquid Concentrate.....	3/29/91	Nonresponse
	000352-00415	2.5% Bromacil Liquid Weed Killer.....	3/29/91	Nonresponse
	000352-00416	2% Bromacil Liquid Weed Killer.....	3/29/91	Nonresponse
	000352-00443	Dupont Gemini Herbicide.....	3/29/91	Nonresponse
	000352-00444	Dupont Canopy Herbicide.....	3/29/91	Nonresponse
	000352-00448	Dupont Preview Herbicide.....	3/29/91	Nonresponse
	000352-00451	Dupont Lorox Plus Herbicide.....	3/29/91	Nonresponse
	000352-00543	New Lorox Plus Herbicide.....	3/29/91	Nonresponse
	000352-00544	Dupont New Gemini Herbicide.....	3/29/91	Nonresponse
Rhone-Poulenc Inc. Agrochemical Division	000359 OR-84-0010	Mocap Nematacide-Insecticide 10% Granular.....	3/29/91	Nonresponse
Cenol Co.	000419-00220	Burgess Dipel Hg Caterpillar & Veg. Worm Biological Ins.	3/29/91	Nonresponse
Roussel Bio Corp.	000432-00740	Goldcrest Dulak I.....	3/29/91	Inadequate
	000432-00741	Goldcrest Dulak II.....	3/29/91	Inadequate
The Dow Chemical Co.	000464 CA-84-0008	Dow Lorsban 4e Insecticide.....	3/29/91	Nonresponse
	000464 CA-86-0049	Lorsban 4e Insecticide.....	3/29/91	Nonresponse
	000464 CA-86-0066	Lorsban 50w.....	3/29/91	Nonresponse
Stauffer Chemical Co.	000476 AR-79-0004	Ordran 10 G.....	3/29/91	Nonresponse
	000476 AR-80-0024	Stauffer Captan Fungicide 50-W.....	3/29/91	Nonresponse
	000476 CA-77-0343	Imidan 50-Wp Agricultural-Insecticide-Wettable Power.	3/29/91	Nonresponse
	000476 CA-78-0101	Stauffer Captan Fungicide 50-W.....	3/29/91	Nonresponse
	000476 DE-84-0002	Stauffer Eptam 10.g Granules.....	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	000476 FL-79-0002	Sutan + 6.7-E	3/29/91	Nonresponse
	000476 GA-82-0015	Dyfonate 10 G	3/29/91	Nonresponse
	000476 GA-82-0016	Dyfonate 4-EC	3/29/91	Nonresponse
	000476 IA-81-0002	Eradicane 6.7-E	3/29/91	Nonresponse
	000476 ID-80-0026	Stauffer Magnetic 6 Flowable Sulfur	3/29/91	Nonresponse
	000476 IN-81-0022	Dyfonate 4-EC	3/29/91	Nonresponse
	000476 MI-79-0014	Dyfonate 4e Emulsifiable Liquid	3/29/91	Nonresponse
	000476 MI-81-0027	Dyfonate 10 G	3/29/91	Nonresponse
	000476 MO-81-0003	Eradicane 6.7-E	3/29/91	Nonresponse
	000476 MO-84-0006	Ordrum 10 G	3/29/91	Nonresponse
	000476 MS-81-0009	Stauffer Captan Fungicide 50-W	3/29/91	Nonresponse
	000476 NC-78-0017	Vernam Atrazine 10-5.g	3/29/91	Nonresponse
	000476 OR-77-0017	Imidan 50-Wp Agricultural-Insecticide-Wettable Power.	3/29/91	Nonresponse
	000476 OR-77-0032	Stauffer Captan Fungicide 50-W	3/29/91	Nonresponse
	000476 OR-78-0022	Dyfonate 10 G	3/29/91	Nonresponse
	000476 OR-80-0065	Stauffer Magnetic 6 Flowable Sulfur	3/29/91	Nonresponse
	000476 OR-81-0096	Imidan 50-Wp Agricultural Insecticide	3/29/91	Nonresponse
	000476 OR-83-0012	Stauffer Vapam 4-S Soil Fumigant Solution	3/29/91	Nonresponse
	000476 SC-78-0013	Devrinol 2-E	3/29/91	Nonresponse
	000476 SC-78-0014	Devrinol 50-Wp	3/29/91	Nonresponse
	000476 SC-82-0026	Dyfonate 10 G	3/29/91	Nonresponse
	000476 SC-82-0027	Dyfonate 4-EC	3/29/91	Nonresponse
	000476 TX-81-0031	Captan 80-Wp Fungicide Plus Benlate Benomyl Fungicide	3/29/91	Nonresponse
	000476 VA-82-0025	Devrinol 50wp Ornamental Herbicide	3/29/91	Nonresponse
	000476 WA-76-0006	Dyfonate 10 G	3/29/91	Nonresponse
	000476 WA-77-0035	Imidan 50-Wp Agricultural-Insecticide-Wettable Power.	3/29/91	Nonresponse
	000476 WA-78-0013	Dyfonate 10 G	3/29/91	Nonresponse
	000476 WA-78-0070	Dyfonate 10 G	3/29/91	Nonresponse
	000476 WA-79-0047	Imidan 50-Wp Garden & Home Insecticide	3/29/91	Nonresponse
	000476 WA-79-0056	Stauffer Vapam 4-S Soil Fumigant Solution	3/29/91	Nonresponse
	000476 WA-80-0029	Stauffer Magnetic 6 Flowable Sulfur	3/29/91	Nonresponse
	000476 WA-81-0058	Imidan 50-Wp Agricultural Insecticide	3/29/91	Nonresponse
	000476 WA-81-0089	Stauffer Vapam 4-S Soil Fumigant Solution	3/29/91	Nonresponse
Reallex	000478-00115	Real-Kill Automatic Indoor Flea Fogger	3/29/91	Nonresponse
Regwest Co.	000506-00125	Tat Roach Trap	3/29/91	Nonresponse
	000506-00133	Tat Roach Spray	3/29/91	Nonresponse
	000506-00135	Tat Heavy Duty Aerosol Wet Spray	3/29/91	Nonresponse
	000506-00137	Tat Ant Trap	3/29/91	Nonresponse
	000506-00140	Tat Hornet and Wasp Killer	3/29/91	Nonresponse
	000506-00143	Tat-1 Ant Trap	3/29/91	Nonresponse
	000506-00145	Tat - 1 Liquid Roach and Ant	3/29/91	Nonresponse
	000506-00147	Tat Iii Roach & Ant Jet Stream	3/29/91	Nonresponse
	000506-00148	Tat Professional Formula 18.5 Residual Roach Ant & Flea	3/29/91	Nonresponse
	000506-00149	Tat House and Garden Insect Killer Indoor & Outdoor	3/29/91	Nonresponse
	000506-00150	Tat Vaporizing Action Insect Bomb	3/29/91	Nonresponse
	000506-00151	Tnt Professional Formula Roach Ant & Flea Killer	3/29/91	Nonresponse
	000506-00152	Tat Roach and Ant Killer With Residual Action	3/29/91	Nonresponse
	000506-00153	Tnt Fogger	3/29/91	Nonresponse
	000506-00154	Tat Area Fogger	3/29/91	Nonresponse
	000506-00155	Tat Wasp & Hornet Killer	3/29/91	Nonresponse
	000506-00156	New Improved Tnt Flea and Tick Killer	3/29/91	Nonresponse
	000506-00157	New Improved Tnt House and Garden Insect Killer Ii	3/29/91	Nonresponse
	000506-00158	New Tat Flea & Tick Killer With Residual Action	3/29/91	Nonresponse
	000506-00159	Tat Area Fogger Ii	3/29/91	Nonresponse
	000506-00161	Tat Area Fogger Iii	3/29/91	Nonresponse
	000506-00163	Tat Hornet & Wasp Killer Ii	3/29/91	Nonresponse
	000506-00164	Tat Roach & Ant Killer	3/29/91	Nonresponse
Monsanto Co.	000524 SD-86-0006	Roundup	3/29/91	Nonresponse
	000524-00124	Avadex Bw Selective Herbicide	3/29/91	Nonresponse
	000524-00410	Towerbrom 90m Tablets, Three Inch Tablets	3/29/91	Nonresponse
O. M. Scott & Sons Co.	000538-00010	Scotts Summer Crabgrass Control	3/29/91	Nonresponse
	000538-00053	Scotts Super Halts Plus	3/29/91	Nonresponse
	000538-00059	Quell Lawn Insect Control	3/29/91	Nonresponse
	000538-00065	Scotts Proturf 36-0-0 Fertilizer Plus Dicot Weed Control	3/29/91	Nonresponse
	000538-00126	Stop Insecticide	3/29/91	Nonresponse
	000538-00132	Scotts Proturf Dsb Fungicide	3/29/91	Nonresponse
	000538-00135	Stop Insects Before They Start	3/29/91	Nonresponse
	000538-00147	Scotts Pro Grow Ornamental Herbicide Iii	3/29/91	Nonresponse
	000538-00153	Scotts Proturf Insect Control Plus Fertilizer	3/29/91	Nonresponse
	000538-00173	Chinch Bug Control	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
Van Waters & Rogers, Inc.	000538-00178	Scotts Post Emergent Crabgrass Control .....	3/29/91	Nonresponse
	000550 CA-80-0126	Formaldehyde Solution USP .....	3/29/91	Nonresponse
	000550 ID-80-0058	Formaldehyde Solution USP .....	3/29/91	Nonresponse
	000550 WA-83-0038	Formaldehyde Solution USP .....	3/29/91	Nonresponse
	000550-00015	Formaldehyde Solution USP .....	3/29/91	Nonresponse
	000550-00093	Guardman Pole Guard .....	3/29/91	Nonresponse
	000550-00108	Namco Malathion 57-E .....	3/29/91	Nonresponse
	000550-00115	Namco Chloropicrin .....	3/29/91	Nonresponse
	000550-00116	Trifume .....	3/29/91	Nonresponse
	000550-00117	Pathofume B .....	3/29/91	Nonresponse
	000550-00123	Namco Pintofume .....	3/29/91	Nonresponse
	000550-00128	Namco Trifume 2+2 .....	3/29/91	Nonresponse
	000550-00130	Namco Methyl Bromide .....	3/29/91	Nonresponse
	000550-00131	Namfume .....	3/29/91	Nonresponse
	000550-00135	Namco Diazinon 4 S .....	3/29/91	Nonresponse
	000550-00136	Namco Diazinon 4e .....	3/29/91	Nonresponse
	000550-00137	Namco Pathofume 75/25 .....	3/29/91	Nonresponse
	000550-00149	formaldehyde Solution N.f. Strenght .....	3/29/91	Nonresponse
	000550-00152	Grid-10 Dairy Cleaner Sanitizer .....	3/29/91	Nonresponse
	000550-00156	Warlasco Germicide Sh-12 .....	3/29/91	Nonresponse
	000550-00162	Vwr Baygon 1.5 Ec .....	3/29/91	Nonresponse
	000550-00170	Vwr 7.5% Water Soluble Bromacil Liquid Weed Killer.	3/29/91	Nonresponse
	000550-00171	Vwr 12.5% Water Soluble Bromacil Liquid Weed Killer.	3/29/91	Nonresponse
	000550-00178	Liquid Bleach Industrial Grade .....	3/29/91	Nonresponse
	000550-00191	Liquichlor 7.5% .....	3/29/91	Nonresponse
	000550-20001	Liquichlor 12 1/2% .....	3/29/91	Nonresponse
	000550-20002	Liquichlor 10% .....	3/29/91	Nonresponse
000550-20003	Sodium Hypochlorite Solution .....	3/29/91	Nonresponse	
000550-20004	Liquichlor 5.25% .....	3/29/91	Nonresponse	
000550-20005	Vanwaters' Dry Granular Chlorinating Compound .....	3/29/91	Nonresponse	
000550-20006	Van Waters' Dry Chlorinating Tablets .....	3/29/91	Nonresponse	
Prentiss Drug & Chemical Co. Inc.	000655 PA-81-0007	Prentox Diazinon 50w .....	3/29/91	Nonresponse
	000655 PA-86-0009	Prentox Vapon 4e .....	3/29/91	Nonresponse
Basf Wyandotte Corp.	000662 NC-81-0023	Basagran .....	3/29/91	Nonresponse
The Buhach Co.	000703-00001	Buhach Insect Powder .....	3/29/91	Nonresponse
Rohm & Haas Co.	000707 AZ-79-0036	Kerb 50-W Selective Herbicide .....	3/29/91	Nonresponse
Sureco, Inc.	000769-00291	Parathion-Ec4 .....	3/29/91	Nonresponse
	000769-00484	Nu-Six Flowable Sulphur .....	3/29/91	Nonresponse
	000769-00563	Purge .....	3/29/91	Nonresponse
Victory Chemical Co.	000788-00019	Fleathal Plus Transparent Emulsion Spray .....	3/29/91	Nonresponse
	000788-00021	Quick Death 2 .....	3/29/91	Nonresponse
	000788-00024	Orl Roach + Ant Spray Insecticide .....	3/29/91	Nonresponse
	000788-00025	Liquid Residual Spray Insecticide .....	3/29/91	Nonresponse
Uncle Sam Chemical Co. Inc.	000861-00062	Formula 50 Wonder Odorless Disinfectant and Sanitizer.	3/29/91	Nonresponse
	000861-00072	Wintergreen Mint Odor Germicide Coef. 5 .....	3/29/91	Nonresponse
	000861-00074	Duzital Germicidal Cleaner .....	3/29/91	Nonresponse
	000861-00082	Sparkle Emulsion Bowl Cleaner .....	3/29/91	Nonresponse
	000861-00093	Haunt Residual Insect Spray .....	3/29/91	Nonresponse
	000861-00096	Tko Detergent Sanitizer .....	3/29/91	Nonresponse
	000861-00099	Compactor Perfumed Up and At Em Water Based Insecticide.	3/29/91	Nonresponse
	000861-00103	D-Trans No. 5 Vaporizer Insect Spray .....	3/29/91	Nonresponse
	000861-00108	Rid-O-Germ Pine Odor Disinfectant No. 5 .....	3/29/91	Nonresponse
	000861-00109	Breath-O-Mint Mint Odor Disinfectant .....	3/29/91	Nonresponse
000861-00110	Pyrenone Livestock Spray and Insect Spray .....	3/29/91	Nonresponse	
Diversey Corp	000875-00041	Diversol Cx with Arodyne .....	3/29/91	Nonresponse
	000875-00042	Saf-Sol Brand .....	3/29/91	Nonresponse
	000875-00047	Dibac .....	3/29/91	Nonresponse
	000875-00081	Spartec Quaternary Ammonium Sanitizer, Disinfect- ant.	3/29/91	Nonresponse
	000875-00084	Wyandotte Braxene Concentrated Quaternary Am- monium Comp.	3/29/91	Nonresponse
	000875-00089	Antibac B All-Soluble Chlorine Sanitizer-Germicide ...	3/29/91	Nonresponse
	000875-00091	Render Quaternary Germicidal Detergent .....	3/29/91	Nonresponse
	000875-00092	Wyandotte Issue Plus Bacteriostatic Fabric Soften- er.	3/29/91	Nonresponse
	000875-00093	Diversey Wyandotte Sodium Hypochlorite .....	3/29/91	Nonresponse
	000875-00094	Wyandotte Multi-Chlor D Highly-Soluble Chlorine Sanitizer	3/29/91	Nonresponse
000875-00095	Low Temperature Sanitizer W500I .....	3/29/91	Nonresponse	

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	000875-00098	Steri-Chlor D Highly-Soluble Chlorinated Sanitizer.....	3/29/91	Nonresponse
	000875-00099	Diversey Wyandotte Liquid Bacteriostatic Softener F-501.	3/29/91	Nonresponse
	000875-20003	Diversey Wyandotte 9.2% Sodium Hypochlorite.....	3/29/91	Nonresponse
Occidental Chemical Corp.	000935-20007	Sodium Hypochlorite.....	3/29/91	Nonresponse
Sterling Drug Inc.	000944-00013	Benzalkonium Chloride Solution USP 10% Zephiran Concentrate.	3/29/91	Nonresponse
	000944-00015	Zephiran Chloride Germicide & Disinfectant Concentrate.	3/29/91	Nonresponse
	000944-00016	Zephiran Chloride Germicide & Disinfectant Aqueous Solution.	3/29/91	Nonresponse
Crest Products, Inc.	000976-00004	Crest Naphthalene Moth Balls.....	3/29/91	Nonresponse
Union Carbide Corp.	001016 FL-83-0023	Amiben Microsol Preemergence Herbicide.....	3/29/91	Nonresponse
	001016 LA-84-0011	Amiben Chloramben Herbicide.....	3/29/91	Nonresponse
	001016 OR-83-0033	Amiben Microsol Preemergence Herbicide.....	3/29/91	Nonresponse
	001016 VA-87-0005	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable..	3/29/91	Nonresponse
	001016 WA-84-0024	Amiben Microsol Preemergence Herbicide.....	3/29/91	Nonresponse
Legear Division	001019-00050	Dairy and Cattle Dust.....	3/29/91	Nonresponse
Oakite Products Inc.	001020-00001	Oakite Sanitizer No. 1.....	3/29/91	Nonresponse
	001020-00004	Oakite Chlor-Tergent.....	3/29/91	Nonresponse
	001020-00005	Oakite Bactericide.....	3/29/91	Nonresponse
	001020-00008	Oakite Steri-Det.....	3/29/91	Nonresponse
	001020-00021	Microbiocide 400.....	3/29/91	Nonresponse
	001020-00025	Oakite Microbiocide 800n.....	3/29/91	Nonresponse
Calgon Vestal Laboratories	001043-00046	Enviroquat.....	3/29/91	Nonresponse
	001043-00060	T.b.q. Germicidal Detergent.....	3/29/91	Nonresponse
	001043-00062	Enviroquat Deodorizer and Disinfectant Spray.....	3/29/91	Nonresponse
	001043-00064	Vestal Q-64.....	3/29/91	Nonresponse
	001043-00077	Powder Keg.....	3/29/91	Nonresponse
	001043-00078	Vestal Insurance.....	3/29/91	Nonresponse
	001043-00080	Vestal Process.....	3/29/91	Nonresponse
	001043-00081	Foaming Insurance.....	3/29/91	Nonresponse
	001043-00082	Coverage 256.....	3/29/91	Nonresponse
	001043-00083	Coverage Spray Disinfectant Cleaner.....	3/29/91	Nonresponse
	001043-00090	Coverage Npd.....	3/29/91	Nonresponse
	001043-00094	Ty-Ion A-32.....	3/29/91	Nonresponse
	001043-00098	Syn-Sol Cleaner and Sanitizer.....	3/29/91	Nonresponse
	001043-00099	One Step Totil.....	3/29/91	Nonresponse
	001043-00101	Cs-420 Wash Sanitizer.....	3/29/91	Nonresponse
	001043-00102	Cc-330 Algacide.....	3/29/91	Nonresponse
	001043-00104	Syn-Cide-Plus.....	3/29/91	Nonresponse
	001043-00105	Totil Plus.....	3/29/91	Nonresponse
	001043-00106	Cryosan II.....	3/29/91	Nonresponse
	001043-00107	Ice Machine Sanitizer.....	3/29/91	Nonresponse
Hockwald/Oxford	001111-00134	San O Six Cleaner Disinf. Deodorizer Fungicide.....	3/29/91	Nonresponse
	001111-00140	Vaporkill.....	3/29/91	Nonresponse
White Cap Inc.	001143-00014	Soft-O-Pine.....	3/29/91	Nonresponse
	001143-00016	Sani-Lemon 22.....	3/29/91	Nonresponse
	001143-00019	Sure Pine.....	3/29/91	Nonresponse
An-Fo Mfg. Co.	001317-00024	Steri-Aid Sanitiz.....	3/29/91	Nonresponse
	001317-00038	Thrifty-Chlor a Chlorine Bearing Disinfectant Bactericide.	3/29/91	Nonresponse
	001317-00065	Sani-Du Chlorine Sanitizer.....	3/29/91	Nonresponse
	001317-00074	Fly Du Insect Killer.....	3/29/91	Nonresponse
	001317-00080	Du-Clor Swimming Pool Chlorine.....	3/29/91	Nonresponse
	001317-00083	Dairy-Du Spray.....	3/29/91	Nonresponse
	001317-00086	Dairy-Du Chlorine Sanitizer.....	3/29/91	Nonresponse
Pazianos Associates	001409-00063	Woodlife Milltreat Type F - Vm & P.....	3/29/91	Nonresponse
Dettelbach Chemical Co.	001421-00022	Labrotex Brand Aa Fly Spray.....	3/29/91	Nonresponse
	001421-00028	Globe Chlor.....	3/29/91	Nonresponse
	001421-00040	Floor Cleaner and Sanitizer Coef. 5.....	3/29/91	Nonresponse
	001421-00044	Mint Disinfectant Coef. 5.....	3/29/91	Nonresponse
	001421-00045	Pine Type Disinfectant Coef 5.....	3/29/91	Nonresponse
	001421-00047	Cattie Spray.....	3/29/91	Nonresponse
	001421-00049	Cleaner and Disinfectant.....	3/29/91	Nonresponse
	001421-00069	Arrow Insect Spray.....	3/29/91	Nonresponse
	001421-00078	Germicidal Cleaner Concentrate.....	3/29/91	Nonresponse
	001421-00104	Mintex Mint Disinfectant Coef. 10.....	3/29/91	Nonresponse
	001421-00114	Dyna-Chlor.....	3/29/91	Nonresponse
	001421-00128	Hoch 30% Malathion in Oil.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	001421-00135	LI-21 Quatex Quaternary, Ammonium Germicide Sanitizing.	3/29/91	Nonresponse
	001421-00136	Kamo Vapo-Cide 400 Concentrated Insecticide.....	3/29/91	Nonresponse
	001421-00137	Kem Quench Weed Killer.....	3/29/91	Nonresponse
	001421-00153	Baygon Concentrate W/e 18.....	3/29/91	Nonresponse
	001421-00157	Mid South Thermal Fog Spray with Ddvp Ready to Use.	3/29/91	Nonresponse
	001421-00159	Sentry Pink Chlor No. 4.....	3/29/91	Nonresponse
	001421-00167	Fogging LI-11 Concentrate.....	3/29/91	Nonresponse
	001421-00169	Globe G-56 Emulsifiable Insecticide Concentrate.....	3/29/91	Nonresponse
	001421-00179	Globe G-56 Emuls. Insect Conc.....	3/29/91	Nonresponse
	001421-00183	Malathion Fly Bait with Ddvp.....	3/29/91	Nonresponse
	001421-00184	Oil Base Pyrethroid Insecticide.....	3/29/91	Nonresponse
	001421-00187	Insecticide Concentrate 153.....	3/29/91	Nonresponse
Sughrue Mion Zinn Macpeak & Seas	001439-00090	Pyrixcide.....	3/29/91	Nonresponse
	001439-00157	Chem-Sect Brand Chem Fish Regular.....	3/29/91	Nonresponse
	001439-00159	Chem-Fish Synergized.....	3/29/91	Nonresponse
	001439-00198	20% Rotenone Fish Toxicant Powder.....	3/29/91	Nonresponse
	001439-00229	Chem Rice Post Emergence Grass and Weed Killer.	3/29/91	Nonresponse
	001439-00236	Powdered Cube Roof.....	3/29/91	Nonresponse
Buckman Labs Inc.	001448-00013	Busan 882.....	3/29/91	Nonresponse
	001448-00044	Busperse 51 T.....	3/29/91	Nonresponse
	001448-00049	Busan 31.....	3/29/91	Nonresponse
	001448-00050	Nabe.....	3/29/91	Nonresponse
	001448-00051	Tchpm.....	3/29/91	Nonresponse
	001448-00056	Busan 83.....	3/29/91	Nonresponse
	001448-00057	Disa.....	3/29/91	Nonresponse
	001448-00066	Busan 104.....	3/29/91	Nonresponse
	001448-00067	Busan 103.....	3/29/91	Nonresponse
	001448-00068	Busan 102.....	3/29/91	Nonresponse
	001448-00069	Busan 101.....	3/29/91	Nonresponse
	001448-00082	Busan 71.....	3/29/91	Nonresponse
	001448-00087	Bulab 6016 Half-Ounce Tablets.....	3/29/91	Nonresponse
	001448-00088	Bulab 6016 Seven-Ounce Tablets.....	3/29/91	Nonresponse
	001448-00116	Nm-875-10.....	3/29/91	Nonresponse
	001448-00117	Nm-875-9.....	3/29/91	Nonresponse
	001448-00118	Nm-875-8.....	3/29/91	Nonresponse
	001448-00119	Nm-875-7.....	3/29/91	Nonresponse
	001448-00120	Nm-875-6.....	3/29/91	Nonresponse
	001448-00121	Nm-875-5.....	3/29/91	Nonresponse
	001448-00122	Nm-875-4.....	3/29/91	Nonresponse
	001448-00123	Nm-875-3.....	3/29/91	Nonresponse
	001448-00124	Nm-875-2.....	3/29/91	Nonresponse
	001448-00125	Nm-875-1.....	3/29/91	Nonresponse
	001448-00126	Nm-35-3.....	3/29/91	Nonresponse
	001448-00127	Nm-35-2.....	3/29/91	Nonresponse
	001448-00132	M-5-8.....	3/29/91	Nonresponse
	001448-00133	M-5-9.....	3/29/91	Nonresponse
	001448-00134	M-5-10.....	3/29/91	Nonresponse
	001448-00135	M-5-11.....	3/29/91	Nonresponse
	001448-00136	M-5-12.....	3/29/91	Nonresponse
	001448-00137	M-5-13.....	3/29/91	Nonresponse
	001448-00138	M-5-14.....	3/29/91	Nonresponse
	001448-00139	M-5-15.....	3/29/91	Nonresponse
	001448-00140	M-5-16.....	3/29/91	Nonresponse
	001448-00141	M-5-17.....	3/29/91	Nonresponse
	001448-00142	M-5-18.....	3/29/91	Nonresponse
	001448-00143	M-5-19.....	3/29/91	Nonresponse
	001448-00144	M-5-20.....	3/29/91	Nonresponse
	001448-00145	M-5-21.....	3/29/91	Nonresponse
	001448-00146	M-5-22.....	3/29/91	Nonresponse
	001448-00155	T-5-4.....	3/29/91	Nonresponse
	001448-00156	T-5-5.....	3/29/91	Nonresponse
	001448-00157	T-5-6.....	3/29/91	Nonresponse
	001448-00158	T-5-7.....	3/29/91	Nonresponse
	001448-00159	T-5-8.....	3/29/91	Nonresponse
	001448-00160	B-103-6.....	3/29/91	Nonresponse
	001448-00161	B-103-5.....	3/29/91	Nonresponse
	001448-00162	B-103-4.....	3/29/91	Nonresponse
	001448-00163	B-103-3.....	3/29/91	Nonresponse
	001448-00164	B-103-2.....	3/29/91	Nonresponse
	001448-00165	B-103-1.....	3/29/91	Nonresponse
	001448-00166	B-30-5.....	3/29/91	Nonresponse
	001448-00167	B-30-4.....	3/29/91	Nonresponse
	001448-00168	B-30-3.....	3/29/91	Nonresponse
	001448-00169	B-30-2.....	3/29/91	Nonresponse
	001448-00170	B-30-1.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	001448-00173	M-5-3	3/29/91	Nonresponse
	001448-00174	M-5-4	3/29/91	Nonresponse
	001448-00175	M-5-5	3/29/91	Nonresponse
	001448-00176	M-5-6	3/29/91	Nonresponse
	001448-00177	M-5-7	3/29/91	Nonresponse
	001448-00181	Nm-175-2	3/29/91	Nonresponse
	001448-00182	Nm-175-3	3/29/91	Nonresponse
	001448-00183	Nm-175-4	3/29/91	Nonresponse
	001448-00184	Nm-175-5	3/29/91	Nonresponse
	001448-00186	D-10-2	3/29/91	Nonresponse
	001448-00187	D-10-3	3/29/91	Nonresponse
	001448-00188	D-10-4	3/29/91	Nonresponse
	001448-00189	D-10-5	3/29/91	Nonresponse
	001448-00190	D-10-6	3/29/91	Nonresponse
	001448-00191	D-10-7	3/29/91	Nonresponse
	001448-00192	D-10-8	3/29/91	Nonresponse
	001448-00193	D-10-9	3/29/91	Nonresponse
	001448-00194	D-10-10	3/29/91	Nonresponse
	001448-00195	D-10-11	3/29/91	Nonresponse
	001448-00196	D-10-12	3/29/91	Nonresponse
	001448-00197	D-10-13	3/29/91	Nonresponse
	001448-00199	D-25-2	3/29/91	Nonresponse
	001448-00200	D-25-3	3/29/91	Nonresponse
	001448-00201	D-25-4	3/29/91	Nonresponse
	001448-00203	D-50-2	3/29/91	Nonresponse
	001448-00204	D-50-3	3/29/91	Nonresponse
	001448-00231	B-103-7	3/29/91	Nonresponse
	001448-00245	M-5-30	3/29/91	Nonresponse
	001448-00246	M-5-29	3/29/91	Nonresponse
	001448-00247	M-5-28	3/29/91	Nonresponse
	001448-00248	M-5-27	3/29/91	Nonresponse
	001448-00249	M-5-26	3/29/91	Nonresponse
	001448-00250	M-5-25	3/29/91	Nonresponse
	001448-00255	Nm-175-8	3/29/91	Nonresponse
	001448-00256	Nm-175-7	3/29/91	Nonresponse
	001448-00257	Nm-175-6	3/29/91	Nonresponse
	001448-00258	M-20-3	3/29/91	Nonresponse
	001448-00259	M-20-4	3/29/91	Nonresponse
	001448-00260	M-20-5	3/29/91	Nonresponse
	001448-00261	M-20-6	3/29/91	Nonresponse
	001448-00262	B-1030-8	3/29/91	Nonresponse
	001448-00263	B-1030-9	3/29/91	Nonresponse
	001448-00264	B-1030-10	3/29/91	Nonresponse
	001448-00265	B-30-6	3/29/91	Nonresponse
	001448-00266	B-30-7	3/29/91	Nonresponse
	001448-00267	B-30-8	3/29/91	Nonresponse
	001448-00268	B-30-9	3/29/91	Nonresponse
	001448-00274	D-50-7	3/29/91	Nonresponse
	001448-00276	D-50-5	3/29/91	Nonresponse
	001448-00278	D-25-6	3/29/91	Nonresponse
	001448-00279	D-25-7	3/29/91	Nonresponse
	001448-00280	D-25-8	3/29/91	Nonresponse
	001448-00281	D-25-9	3/29/91	Nonresponse
	001448-00284	D-10-15	3/29/91	Nonresponse
	001448-00285	D-10-16	3/29/91	Nonresponse
	001448-00286	D-10-17	3/29/91	Nonresponse
	001448-00287	D-50-6	3/29/91	Nonresponse
	001448-00288	Nm-875-13	3/29/91	Nonresponse
	001448-00289	Nm-875-12	3/29/91	Nonresponse
	001448-00290	Nm-875-14	3/29/91	Nonresponse
	001448-00291	N-875-15	3/29/91	Nonresponse
	001448-00292	Nm-35-5	3/29/91	Nonresponse
	001448-00293	Nm-35-6	3/29/91	Nonresponse
	001448-00295	T-30-4	3/29/91	Nonresponse
	001448-00296	T-30-5	3/29/91	Nonresponse
	001448-00297	M-5-23	3/29/91	Nonresponse
	001448-00298	M-5-24	3/29/91	Nonresponse
	001448-00299	Nm-35-4	3/29/91	Nonresponse
	001448-00300	Nm-175-10	3/29/91	Nonresponse
	001448-00301	Nm-175-9	3/29/91	Nonresponse
Prescott J L Co.	001453-00024	Rainbow Bleach	3/29/91	Nonresponse
	001453-00044	Dazzle Pine Disinfectant Cleaner	3/29/91	Nonresponse
	001453-00045	Rainbow Pine Disinfectant Cleaner	3/29/91	Nonresponse
Elanco Products Co.	001471 MO-88-0003		3/29/91	Nonresponse
Moore Benjamin & Co.	001609-00014	Moorwood Semi-Transparent Stain & Wood Preservative	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	001609-00015	Moorwood Penetrating Clear Wood Finish & Preservative.	3/29/91	Nonresponse
Harley Chemical Inc.	001683-00024	Activated Pine Type Disinfectant.....	3/29/91	Nonresponse
	001683-00025	Lemonee - 8 - Disinfectant.....	3/29/91	Nonresponse
	001683-00026	Winta-Dis Disinfectant.....	3/29/91	Nonresponse
The State Chemical Mfg. Co.	001685-00099	No-Mix Terg-O-Cide Foaming Disinfectant.....	3/29/91	Nonresponse
	001685-00101	State Fix "Terg-O-Cide In A Can!".....	3/29/91	Nonresponse
	001685-00117	State Formula 475.....	3/29/91	Nonresponse
	001685-00120	State Parch Weed Killer.....	3/29/91	Nonresponse
Nalco Chemical Co.	001706-00125	Riverdale Dibro 2+2.....	3/29/91	Nonresponse
Stepan Co.	001839-00050	Cd 1.6.....	3/29/91	Nonresponse
Central Petroleum Co.	001864-00005	Gen-Pe-Co Soothing Protective Face Fly Treatment.....	3/29/91	Nonresponse
	001864-00011	New Gen-Pe-Co Never-Lite Stock Spray.....	3/29/91	Nonresponse
	001864-00012	New Cattle Oil.....	3/29/91	Nonresponse
	001864-00014	Gen-Pe-Co Super 100 Barn and Stock Spray.....	3/29/91	Nonresponse
Kleinfeld, Kaplan & Becker	001913-00012	Vanish Liquid Disinfectant Toilet Bowl Cleaner.....	3/29/91	Nonresponse
	001913-00031	Dual Action Vanish Thick Heavy Duty Toilet Bowl Cleaner.....	3/29/91	Nonresponse
New South Mfg. Co.	001964-00010	New South's Safti-Sol Brand Concentrated Bowl Cleanser W.....	3/29/91	Nonresponse
	001964-00012	New South's Phenolic Detergent.....	3/29/91	Nonresponse
	001964-00016	Souths S. K. Concentrate.....	3/29/91	Nonresponse
	001964-00018	Wil-Kin Institutional Super-Chlor.....	3/29/91	Nonresponse
Regwest Co.	002019-00027	Johnston's No Roach Spray On.....	3/29/91	Nonresponse
	002019-00031	Johnston's No-Roach Quality Insect Spray.....	3/29/91	Nonresponse
	002019-00032	Johnston's Hadabug II Quality Insect Spray.....	3/29/91	Nonresponse
	002019-00041	Johnston's No-Roach Quality Spray.....	3/29/91	Nonresponse
Namico, Inc.	002021-00021	Nami-Cide A.....	3/29/91	Nonresponse
	002021-00022	Nami-Cide B.....	3/29/91	Nonresponse
	002021-00025	188-Wp.....	3/29/91	Nonresponse
	002021-00028	Namico 6.....	3/29/91	Nonresponse
	002021-00027	Surgisan.....	3/29/91	Nonresponse
	002021-00028	Or.....	3/29/91	Nonresponse
Nor-Am Chemical Co.	002139 AZ-89-0009	Carzol Sp.....	3/29/91	Nonresponse
Legge Walter G Co. Inc.	002212-00002	Elimstaph No. 2 Germicidal Cleaner.....	3/29/91	Nonresponse
	002212-00005	Legphene Germicidal Cleaner.....	3/29/91	Nonresponse
	002212-00009	Legcide .5.....	3/29/91	Nonresponse
	002212-00010	Elimstaph.....	3/29/91	Nonresponse
PBI/Gordon Corp.	002217-00546	Maneb 80w Fungicide.....	3/29/91	Nonresponse
Haco, Inc.	002393 CT-88-0001	Ramik Brown.....	3/29/91	Nonresponse
Western Tar Products Corp.	002458-00004	Creosote Coal Tar Solution 60/40.....	3/29/91	Nonresponse
Koos Inc.	002491-00139	Holiday Crabgrass Preventer Pre-Emergence.....	3/29/91	Nonresponse
	002491-00229	Holiday Rotenone Dust.....	3/29/91	Nonresponse
	002491-00236	Holiday Tomato-Vegetable Dust.....	3/29/91	Inadequate
	002491-00257	Holiday Dry Insecticide.....	3/29/91	Nonresponse
	002491-00265	Holiday 2,4-D Amine 4-Ws Weed Killer for Use in Water O.....	3/29/91	Nonresponse
	002491-00298	Holiday Sbp-1382 Insecticide Spray 0.10.....	3/29/91	Nonresponse
	002491-00300	Ace Lawn Food With Weed Control 22-6-8.....	3/29/91	Nonresponse
	002491-00311	Premium Fairway Food With Crabgrass and Poa Annua Control.....	3/29/91	Nonresponse
Conagra Pet Products Co.	002517-00037	Sergeant's Sentry Collar for Dogs.....	3/29/91	Nonresponse
	002517-00038	Sergeant's Sentry Collar for Cats.....	3/29/91	Nonresponse
Research Products Co.	002548-00064	Max Kill Contacticide 25.....	3/29/91	Nonresponse
Hartz Mountain Corp.	002586 NJ-85-0007	Rodeo.....	3/29/91	Nonresponse
Courtaulds Coatings, Inc.	002693-00055	Copper-Lux for Fiberglass Wood & Steel Antifouling Paint.....	3/29/91	Nonresponse
	002693-00076	Copper-Lux Antifouling Paint 82 Blue.....	3/29/91	Nonresponse
	002693-00077	Copper-Lux 81 Green.....	3/29/91	Nonresponse
	002693-00133	Xuu 244.....	3/29/91	Nonresponse
John M. Wise	002749 OR-82-0058	Aceto Phorate 15-G.....	3/29/91	Nonresponse
Pennwalt Corp. Decco Div.	002792 OR-83-0011	Decco Salt No. 20.....	3/29/91	Nonresponse
	002792 WA-87-0027	Deccoquin 305 Concentrate.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
Pine O Pine Co. of Texas	002817-00015	Wilbert's Fresh-Pine	3/29/91	Nonresponse
Sanitek Product Inc.	002839-00010	Sanitek Sanitize	3/29/91	Nonresponse
Heiler, Arch C. Co.	002907-00010	Exo New Roach and Ant Killer	3/29/91	Nonresponse
Agricultural Chemical Co.	003051-00072	Agco Methomyl 2 Insecticide Dust	3/29/91	Nonresponse
Mobay Corp.	003125 CA-77-0036	Di-Syston Liquid Concentrate Systemic Insecticide	3/29/91	Nonresponse
	003125 CA-79-0139	Guthion 50% Wettable Powder Crop Insecticide	3/29/91	Nonresponse
	003125 CA-84-0218	Monitor 4	3/29/91	Nonresponse
	003125 CA-86-0068	Morestan 25% Wettable Powder Miticide, Fungicide, Insecticide	3/29/91	Nonresponse
	003125 CA-87-0014	Monitor 4	3/29/91	Nonresponse
	003125 CA-87-0039	Sencor Df 75% Dry Flowable Herbicide	3/29/91	Nonresponse
	003125 CA-88-0021	Monitor 4	3/29/91	Nonresponse
Laroche Industries Inc.	003442-00852	Sevin 117 Liquid Flowable	3/29/91	Nonresponse
Oxford Chemicals	003635-00022	Ox-O-Cide	3/29/91	Nonresponse
	003635-00044	Oxford 522	3/29/91	Nonresponse
	003635-00079	Oxford Roach and Ant Killer	3/29/91	Nonresponse
	003635-00100	Oxford Kilz-M	3/29/91	Nonresponse
	003635-00101	Oxford Chlor-Avail Powdered Chlorine Sanitizer	3/29/91	Nonresponse
	003635-00120	Oxford Quatergent	3/29/91	Nonresponse
	003635-00122	Oxford Formula "c"	3/29/91	Nonresponse
	003635-00127	Oxford Super Brand Insecticide Concentrate	3/29/91	Nonresponse
	003635-00133	Oxford Super-Fog	3/29/91	Nonresponse
	003635-00144	Malacor	3/29/91	Nonresponse
	003635-00155	Oxford Supercide Brand	3/29/91	Nonresponse
	003635-00174	Oxford Bryte Foam	3/29/91	Nonresponse
	003635-00176	Oxford Thermocide	3/29/91	Nonresponse
	003635-00182	Oxford Syntox	3/29/91	Nonresponse
	003635-00183	Oxford Hydrocide	3/29/91	Nonresponse
	003635-00184	Oxford Aquatox	3/29/91	Nonresponse
	003635-00192	Oxford 514 Insecticide	3/29/91	Nonresponse
	003635-00207	Mint D	3/29/91	Nonresponse
	003635-00208	Oxford Pine-D	3/29/91	Nonresponse
	003635-00209	Oxford 1202	3/29/91	Nonresponse
	003635-00210	Oxford 1220 Bactericidal Detergent	3/29/91	Nonresponse
	003635-00211	Oxford 1217	3/29/91	Nonresponse
	003635-00231	Oxford Spray - Sect	3/29/91	Nonresponse
	003635-00232	Oxford Ko	3/29/91	Nonresponse
	003635-00238	Oxford Super Brand Insecticide	3/29/91	Nonresponse
	003635-00242	Oxford San-Kleen	3/29/91	Nonresponse
	003635-00244	Oxford 21-L	3/29/91	Nonresponse
	003635-00252	Oxford Ox -2- Mist	3/29/91	Nonresponse
	003635-20003	Oxford Shs-900	3/29/91	Nonresponse
Earl May Seed & Nursery L.p.	003772-00043	Dipel Bio Garden Spray	3/29/91	Nonresponse
Anderson Chemical Co., Inc.	003931-00008	Microbicide 405	3/29/91	Nonresponse
	003931-00009	Microbicide 420	3/29/91	Nonresponse
Southern Chemical Products Co.	004000-00058	Pyrethroid 351 Aqueous Pressurized Insecticide Spray	3/29/91	Nonresponse
Orb Industries Inc.	004077-00023	Orb Midget	3/29/91	Nonresponse
	004077-00027	Orb No. 112 Space Spray Insecticide	3/29/91	Nonresponse
	004077-00029	Orb Industrial Insect Spray	3/29/91	Nonresponse
	004077-00039	Orb Tick-Tox Insecticide No. 38	3/29/91	Nonresponse
	004077-00040	Orb Industrial Aerosol Insecticide	3/29/91	Nonresponse
	004077-00046	Orb Roach and Ant Bomb With Diazinon	3/29/91	Nonresponse
	004077-00070	Orb #140 Industrial Insecticide	3/29/91	Nonresponse
	004077-00079	Orb No. 116 Total Release Clean Out Fogger	3/29/91	Nonresponse
	004077-00084	Orb Tick - Tox II	3/29/91	Nonresponse
	004077-00085	Orb No. 316 F-N-P Total Release Clean-Out Fogger	3/29/91	Nonresponse
	004077-00092	Orb No. 800 Wasp and Hornet Spray	3/29/91	Nonresponse
U.S. Sanitizing Co., Inc.	004400-00004	Vic-Kum P-D-C Germicidal Rinse	3/29/91	Nonresponse
Agchem Division-Pennwalt Corp	004581 KY-80-0019	Maneb 80	3/29/91	Nonresponse
	004581-00350	Knox Out Yellowjacket Control	3/29/91	Nonresponse
Kemco-Hunter Chemical Co	004651-00008	Pep O Mint 15 Disinfectant Deter Sanitizer Deo	3/29/91	Nonresponse
Pat Chemicals	004758-00026	Holiday Aerogel Powder Dries Up Roaches	3/29/91	Nonresponse
	004758-00084	Holiday Moth Proof Spray	3/29/91	Nonresponse
	004758-00086	Professional Insect Bomb Concentrated	3/29/91	Nonresponse
	004758-00087	Holiday Insect Bomb With Baygon	3/29/91	Nonresponse
	004758-00089	Holiday True Fog	3/29/91	Nonresponse
	004758-00090	Bus Fogger	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	004758-00092	888 Insect Killer.....	3/29/91	Nonresponse
Chemnova Holding A/S	004787-00009	Chemathoate 267 E.c. Systemic Insecticide.....	3/29/91	Nonresponse
	004787-00011	Co-Op Methyl Parathion 4 Miscible.....	3/29/91	Nonresponse
	004787-00012	Sure Death Brand Airpara-Miscible.....	3/29/91	Nonresponse
	004787-00013	Sure Death Brand 4lb. Parathion Emulstflable.....	3/29/91	Nonresponse
Fairfield American Corp.	004816-00611	P Q General Purpose Industrial Spray.....	3/29/91	Nonresponse
S.c. Johnson & Son Inc.	004822-00080	Raid Room Guard Vaporizing Strip Insecticide.....	3/29/91	Inadequate
	004822-00285	Raid Flea Killer Vi Plus.....	3/29/91	Nonresponse
Orco Inc.	005042 OR-85-0003	Orco Patrol.....	3/29/91	Nonresponse
Amvac Chemical Corp.	005481-00205	Ddvp 2-E Emulsifiable Concentrate.....	3/29/91	Nonresponse
	005481-00260	Thiodan 3 Parathion 1 Tobacco Dust.....	3/29/91	Inadequate
Hubbard-Hall Chemical Co.	005568-00185	Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
Chemspray Packaging, Inc.	005590-00135	Disinfectant Foam Cleaner for Hospital Use Germi- cidal.	3/29/91	Nonresponse
	005590-00155	Spray Disinfectant and Air Deodorant Code No 226-25d.	3/29/91	Nonresponse
	005590-00161	Household Disinfectant Spray.....	3/29/91	Nonresponse
Hub States Corp.	005602-00050	Hubstates Rodent Blocks.....	3/29/91	Nonresponse
	005602-00058	Hub States Dursban 4e Emulsifiable Insecticide.....	3/29/91	Nonresponse
	005602-00155	Di - Tox S.....	3/29/91	Nonresponse
	005602-00163	Lethalaire V-21.....	3/29/91	Nonresponse
	005602-00166	Lethalaire Jr4.....	3/29/91	Nonresponse
	005602-00172	Two Thirty Two Aerosol Insecticide.....	3/29/91	Nonresponse
	005602-00175	Virchem Thirty-Six Insecticide.....	3/29/91	Nonresponse
	005602-00178	Virchem Seventy-Six Insecticide.....	3/29/91	Nonresponse
	005602-00181	Virchem Seventy-Nine Insecticide.....	3/29/91	Nonresponse
	005602-00182	Virchem Eighty-One Insecticide.....	3/29/91	Nonresponse
Arrow Chemical Products Inc.	005747-00007	Concentrated Arofect Pine Odor Disinfectant.....	3/29/91	Nonresponse
	005747-00014	Aro Mint Disinfectant.....	3/29/91	Nonresponse
Thoro Prods Co	005770-00003	X-O-X Bleach and Disinfectant.....	3/29/91	Nonresponse
	005770-00005	X-O-X Bleach.....	3/29/91	Nonresponse
Clorox Co.	005813 MA-78-0001	Clorox.....	3/29/91	Nonresponse
	005813 NC-77-0019	Clorox.....	3/29/91	Nonresponse
	005813 NJ-84-0017	Clorox.....	3/29/91	Nonresponse
	005813 NM-80-0004	Clorox.....	3/29/91	Nonresponse
	005813 OR-79-0079	Clorox.....	3/29/91	Nonresponse
	005813 WA-79-0072	Clorox.....	3/29/91	Nonresponse
	005813 WA-80-0088	Clorox.....	3/29/91	Nonresponse
	005813-00001	Clorox.....	3/29/91	Nonresponse
	005813-00011	Soft-Scent Clorox.....	3/29/91	Nonresponse
	005813-00014	Formula 409 Disinfectant Bathroom Cleaner - I.....	3/29/91	Nonresponse
	005813-00016	Clorox Cleaner.....	3/29/91	Nonresponse
	005813-00017	409 Disinfectant Bathroom Cleaner.....	3/29/91	Nonresponse
	005813-00020	Fresh Scent Clorox.....	3/29/91	Nonresponse
	005813-00021	Tackle.....	3/29/91	Nonresponse
	005813-00022	Entire.....	3/29/91	Nonresponse
	005813-00023	Strike.....	3/29/91	Nonresponse
	005813-00024	Tilex.....	3/29/91	Nonresponse
Helena Chemical Co	005905-00066	Helena Brand Msma Plus.....	3/29/91	Nonresponse
US Chem Corp.	006027-00001	Uscon 12-18.....	3/29/91	Nonresponse
ICI America Inc.	006199-00002	S. D. I. C. Granular.....	3/29/91	Nonresponse
	006199-00003	T.i.c.a. Granular.....	3/29/91	Nonresponse
	006199-00004	PDIC (Potassium Dichloro Iso Cyanurate) Granular 59% Av.	3/29/91	Nonresponse
	006199-00005	T.i.c.a. 1" Tablets.....	3/29/91	Nonresponse
Summit Chemical Co.	006218-00055	Summit Animal House Fogging Insecticide.....	3/29/91	Nonresponse
Wallace C. Tharp	006330-00001	Perma-Guard Household Insecticide D-20.....	3/29/91	Nonresponse
	006330-00005	Perma-Guard Pyrethrin Insect Contro Spray S-20-C..	3/29/91	Nonresponse
	006330-00009	Perma Guard Garden & Plant Insecticide D-21.....	3/29/91	Nonresponse
	006330-00012	Perma-Guard Kleen Bin Insecticide D-20.....	3/29/91	Nonresponse
	006330-00013	Perma-Guard Dust 40% Sulphur D-40.....	3/29/91	Nonresponse
	006330-00014	Perma-Guard Dust 20% Sulphur D-41.....	3/29/91	Nonresponse
	006330-00015	Perma-Guard Dust 10% Sulphur D-42.....	3/29/91	Nonresponse
	006330-00017	Perma-Guard Pet Insecticide D-32.....	3/29/91	Nonresponse
	006330-00030	Pyre-Kill Insecticide.....	3/29/91	Nonresponse
	006330-00031	Perma Guard D-20 Professional Insecticide.....	3/29/91	Nonresponse
	006330-00032	Perma-Guard Pet and Animal Insecticide D-20.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
Vikon Chemical Co., Inc.	006390-00002	Vikol 250.....	3/29/91	Nonresponse
	006390-00008	Merkyl Pm-Tl.....	3/29/91	Nonresponse
	006390-00009	Vikol Rq.....	3/29/91	Nonresponse
	006390-00011	Vikol #af-25.....	3/29/91	Nonresponse
	006390-00015	Vikol #px - 15 Durable.....	3/29/91	Nonresponse
	006390-00016	Vikol #lo-25.....	3/29/91	Nonresponse
	006390-00017	Vikol Frm Mildew Retardant.....	3/29/91	Nonresponse
	006390-00019	Vikol Ds.....	3/29/91	Nonresponse
	006390-00020	Merkyl Map.....	3/29/91	Nonresponse
	006390-00021	Vikon Pma-30.....	3/29/91	Nonresponse
	006390-00025	Vikol Thp.....	3/29/91	Nonresponse
Southern Mill Creek Products	006720 FL-76-0016	Smcp Malathion 2% Bait for Mole Crickets Insecticide.	3/29/91	Nonresponse
	006720 FL-78-0053	Smcp Sevin 5% Dust.....	3/29/91	Nonresponse
	006720 FL-80-0006	Smcp Dursban* Mole Cricket Bait.....	3/29/91	Nonresponse
	006720 FL-87-0020	Smcp Lindane 1e.....	3/29/91	Nonresponse
	006720 MS-84-0007	Smcp Standard 2,4-D Amine.....	3/29/91	Nonresponse
	006720 TN-85-0008	X-Cel Rat-Pel P-3/8 Kills Rats and Mice.....	3/29/91	Nonresponse
	006720-00042	X-Cel Rat-Pel W-3/8 Kills Rats and Mice.....	3/29/91	Nonresponse
	006720-00044	Smcp Roach Spray Concentrate.....	3/29/91	Nonresponse
	006720-00111	Commercial Para Blox Meat & Blood Flavored.....	3/29/91	Nonresponse
	006720-00157	Smcp Dursban Cricket Bait #200.....	3/29/91	Inadequate
	006720-00263	Afc Pyrethrum Concentrate #10.....	3/29/91	Nonresponse
	006720-00300	Fluo-Pyre Roach Powder.....	3/29/91	Nonresponse
	006720-00310	P. C. E. Water Miscible 110.....	3/29/91	Nonresponse
	006720-00332	Superior Econofog #28 MI.....	3/29/91	Nonresponse
	006720-00352	Orniskill Roach and Ant Bomb.....	3/29/91	Nonresponse
	006720-00353	Superior S. K. Formula.....	3/29/91	Nonresponse
	006720-00354	Di-Mix 110.....	3/29/91	Nonresponse
	006720-00355	Superior O.f. 60-6 Dip.....	3/29/91	Nonresponse
	006720-00356	Universal Quick-Tox Fog Spray.....	3/29/91	Nonresponse
	006720-00368	Superior Turfban 2e.....	3/29/91	Nonresponse
	006720-00373	Omnicide N-T-X Concentrate.....	3/29/91	Nonresponse
	006720-00375	Pyrethrum 25-5 Ulv Insecticide.....	3/29/91	Nonresponse
	006720-00383	Superior Scp 1382-5 Synthetic Pyrethroid.....	3/29/91	Nonresponse
	006720-00386	Superior Food Plant Spray.....	3/29/91	Nonresponse
	006720-00391	Pco Crack & Crevice.....	3/29/91	Nonresponse
	006720-00401	Smcp 40-0-0 With Dursban.....	3/29/91	Nonresponse
	006720-00417	Pratt Thuricide (r)-Hpc.....	3/29/91	Nonresponse
006720-00449	Dursban 135 Ec.....	3/29/91	Nonresponse	
006720-00462	Pybutox Fruit Fly Dust.....	3/29/91	Nonresponse	
006720-00476	Malathion 2-Methoxychlor 2 EC.....	3/29/91	Nonresponse	
006720-00477	Rotenone Dust 1%.....	3/29/91	Nonresponse	
006720-00478	Science Thuricide, A Natural, Microbial Insecticide.....	3/29/91	Nonresponse	
006720-00512	Science Thuricide, A Natural, Microbial Insecticide.....	3/29/91	Nonresponse	
Lonza Inc.	006836-00105	Rohm and Haas Dc-100 G.....	3/29/91	Inadequate
Korkay Inc.	006943-00001	Kork Rub Cleaner Disinfectant.....	3/29/91	Nonresponse
Cessco Inc.	006959-00010	Bait-Tox Ready-Mixed Rat Bait (meal form).....	3/29/91	Nonresponse
	006959-00017	Bait-Tox for Flies with Ddvp.....	3/29/91	Nonresponse
	006959-00020	Fog-Tox.....	3/29/91	Nonresponse
	006959-00023	A. A. C. Southern Spray-Tox.....	3/29/91	Nonresponse
	006959-00024	M. S. Southern Spray-Tox Insecticide Contains Pyrenone.	3/29/91	Nonresponse
	006959-00025	Triple Action Fog-Tox-Spray-Tox.....	3/29/91	Nonresponse
	006959-00026	Triple Action Knock Down Quick Kill Res Kill Pre. Grade.	3/29/91	Nonresponse
	006959-00027	Cessco Professional Type Aerosol Highly Concentrated.	3/29/91	Nonresponse
	006959-00030	Cessco 5 Insecticide.....	3/29/91	Nonresponse
	006959-00033	A.c. Southern Spray Tox Insecticide Contains Pyrenone.	3/29/91	Nonresponse
	006959-00034	Cessco Aerosol Insecticide.....	3/29/91	Nonresponse
	006959-00035	Cessco Aero-20.....	3/29/91	Nonresponse
	006959-00036	Cessco Accudose.....	3/29/91	Nonresponse
	006959-00037	Cessco 7.....	3/29/91	Nonresponse
	006959-00041	Cessco Accudose 20.....	3/29/91	Nonresponse
	006959-00044	Barnett Brand High Pressure Non-Flammable Aerosol Insecticide.	3/29/91	Nonresponse
	006959-00045	Cessco 5.....	3/29/91	Nonresponse
	006959-00046	Cessco Brand High Pressure Aerosol Insecticide.....	3/29/91	Nonresponse
	006959-00051	Cessco 5e Insecticide.....	3/29/91	Nonresponse
	006959-00054	Cessco 7c Insecticide.....	3/29/91	Nonresponse
	006959-00058	Cessco Brand Accudose Aerosol for Fire Ant Control.	3/29/91	Nonresponse
	006959-00062	Bait-Tox Ready-Mixed Rat Bait.....	3/29/91	Nonresponse
	006959-00065	Cessco 2.5 Fogging Concentrate.....	3/29/91	Nonresponse
006959-00066	Cessca 3 Fogging Concentrate.....	3/29/91	Nonresponse	

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	006959-00067	Cessco Accudose Aerosol for Fire Ant Control .....	3/29/91	Nonresponse
	006959-00073	Cessco Id Residual Insecticide.....	3/29/91	Nonresponse
Walton-March Inc.	007101-00003	Waste Minders with Stangard/4.....	3/29/91	Nonresponse
	007101-00010	Surfacide/6.....	3/29/91	Nonresponse
	007101-00012	Surfacide/60 .....	3/29/91	Nonresponse
	007101-00013	Absolute.....	3/29/91	Nonresponse
Liphatech, Inc.	007173 PA-77-0009	Rozol Paraffinized Pellets.....	3/29/91	Nonresponse
Forshaw Chemical Co.	007234-00080	Crown Cygon 2-E Systemic Insecticide.....	3/29/91	Nonresponse
	007234-00106	Crown Malvex Dry Fly Bait.....	3/29/91	Nonresponse
	007234-00126	Crown House and Garden Double Action Bug Killer..	3/29/91	Nonresponse
	007234-00136	Methoxychlor Em-2 Emulsifiable Concentrate.....	3/29/91	Nonresponse
	007234-00151	Aquatox R.c. Residual Spray .....	3/29/91	Nonresponse
Crown Chemical Industries	007273-00166	Check Pest B-20 Lindane Emulsifiable Spray Con- centrate.	3/29/91	Nonresponse
Voluntary Purchasing Group, Inc.	007401 TX-84-0006	Hi Yield Brand 4 Lb Methyl Parathion .....	3/29/91	Nonresponse
	007401-00033	Ferti-Lome Lawn Weed Killer Granules.....	3/29/91	Nonresponse
	007401-00105	Ferti-Lome Aphid Spray.....	3/29/91	Nonresponse
	007401-00208	Hi-Yield Sevin and Molasses .....	3/29/91	Nonresponse
H.R. McLane, Inc.	007421 CA-76-0024	Last-Bite Ant Killer Granules.....	3/29/91	Nonresponse
Chem Lab Products Inc.	007616-20005	Kem Tek Granular Chlorinating Compound .....	3/29/91	Nonresponse
Hercules Chem Co. Inc.	007687-00001	R-D Root Destroyer.....	3/29/91	Nonresponse
Hubbard Milling Co.	007698-00006	Hubbard Rol Premix.....	3/29/91	Nonresponse
	007698-00007	Hubbard One To One Rol Mineral .....	3/29/91	Nonresponse
	007698-00008	Hubbard Two-To-One Rol Mineral .....	3/29/91	Nonresponse
	007698-00016	Hubbard Rangeland 16 Rol Mineral.....	3/29/91	Nonresponse
John Taylor Fertilizers Co.	007729-00006	John Taylor Chemicals Telone II Soil Fumigant.....	3/29/91	Nonresponse
	007729-00007	John Taylor Chemical 5% Sevin Bait .....	3/29/91	Nonresponse
Zoe Chemical Co.	007885-00007	Zoe House and Garden Insect Killer .....	3/29/91	Nonresponse
	007885-00014	Zoe Bathroom Cleaner Disinfectant.....	3/29/91	Nonresponse
	007885-00020	Jaygol Kills Roaches.....	3/29/91	Nonresponse
	007885-00028	New Spray Disinfectant by Meadow .....	3/29/91	Nonresponse
	007885-00040	Zoe Gerbil and White Mice Spray Mist.....	3/29/91	Nonresponse
	007885-00047	Meadows Total Release Fogger Insecticide.....	3/29/91	Nonresponse
	007885-00049	Meadows Household Contact and Residual Spray....	3/29/91	Nonresponse
	007885-00050	Meadows Ant and Roach Killer.....	3/29/91	Nonresponse
Brite House Co., Inc.	007925-00002	Brite-House Bleach .....	3/29/91	Nonresponse
Chemix Co.	007998-00002	Germide New Sanitizing Agent for All Washables....	3/29/91	Nonresponse
	007998-00007	Pyrethoid Insect Spray Oil Base Concentrate .....	3/29/91	Nonresponse
Best Enterprises Ltd.	008020-00001	Best's Odorless Roach Killer.....	3/29/91	Nonresponse
Poly Chem Inc.	008047-00022	Poly Lemon Fragrance Germicidal Cleaner 7.....	3/29/91	Nonresponse
Rooto Corp.	008132-00003	Rooto No. 2.....	3/29/91	Nonresponse
Milazzo Co Samuel J	008218-00001	Milazzo Brand Animal Chaser.....	3/29/91	Nonresponse
Carter-Wallace, Inc.	008220-00009	Lambert Kay Zenox Shampoo for Dogs and Cats.....	3/29/91	Nonresponse
Prochimie International Inc.	008236-00002	Thiram Technical.....	3/29/91	Nonresponse
	008236-00008	Pcnb 100 .....	3/29/91	Nonresponse
Maintenance Engineering Corp.	008249-00002	Biocide T.....	3/29/91	Nonresponse
	008249-00003	Microbiocide T-40.....	3/29/91	Nonresponse
	008249-00005	Meco Microbiocide Q-1.....	3/29/91	Nonresponse
Metro Biological Lab	008278 CA-81-0035	Soildrin Concentrate Sbp 1382.....	3/29/91	Nonresponse
Marvy William Co.	008296-00001	Mar-V-Cide Disinfectant and Germicide .....	3/29/91	Inadequate
H. R. McLane	008378-00022	Shaw's Premium Green Weed and Feed 32-4-4 .....	3/29/91	Nonresponse
Sporicidin International	008383-00001	Permicide Brand Ristex .....	3/29/91	Nonresponse
	008383-00003	Permacide Brand (ristex) Germicidal Disinfectant.....	3/29/91	Nonresponse
	008383-00005	Sporicidin Cold Sterilizing Solution.....	3/29/91	Nonresponse
	008383-00006	Sporicidin-Hd Concentrated for Hemodialysis .....	3/29/91	Nonresponse
	008383-00007	Permacide Brand Ristex Germicidal Disinfectant Towelett.	3/29/91	Nonresponse
Shrader Chemical Co.	008428-00002	Sc-745 Sanitizer.....	3/29/91	Nonresponse
	008428-00003	Sc-725 Cleaner, Sanitizer, Disinfectant .....	3/29/91	Nonresponse
	008428-00008	S-5-Klor Food Plant and Dairy Detergent-Sanitizer .....	3/29/91	Nonresponse
	008428-00009	S-6-Klor.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
Sebrell J B Co.	008454-20005	Sebrell Granular Swimming Pool Chlorinator.....	3/29/91	Nonresponse
	008454-20006	Sebrell Tablet Swimming Pool Chlorinator.....	3/29/91	Nonresponse
Gpc Industries	008544-00001	Sani-Clor Dry Concentrate Pool Chlorine.....	3/29/91	Nonresponse
	008544-00002	Sparkleen Pool Chlorine Dry Concentrate.....	3/29/91	Nonresponse
	008544-00004	Aqua-Brite Pool Chlorine Dry Concentrate.....	3/29/91	Nonresponse
	008544-00005	Sparkleen Algy-Ban.....	3/29/91	Nonresponse
	008544-00006	Sani-Clor Al-J-Trol.....	3/29/91	Nonresponse
	008544-00013	Sani Clor Granules.....	3/29/91	Nonresponse
	008544-20004	Sani-Clor Liquified Bleach.....	3/29/91	Nonresponse
Patterson Labs Inc.	008740-20004	Blue Ribbon Bleach.....	3/29/91	Nonresponse
Novel Wash Co. Inc.	008821-20004	Novel Wash Bleach.....	3/29/91	Nonresponse
The Spectrum Group	008845-00020	Kenco Super Rid-A-Bug Brand Do It Yourself Insecticide.	3/29/91	Nonresponse
	008845-00049	Bag-A-Bug Gypsy Moth Spray.....	3/29/91	Nonresponse
	008845-00069	Hot Shot Wasp and Hornet Killer Formula 821.....	3/29/91	Nonresponse
	008845-00106	Shell 20% Vapona Insecticide 2" Resin Strip** (for House Holds).	3/29/91	Nonresponse
	008845-00107	20% Vapona Insecticide Resin Strip (for House Holds).	3/29/91	Nonresponse
	008845-00108	No-Pest Ministrip Insecticide for Clothes Moths and Fly.	3/29/91	Nonresponse
	008845-00110	New No Pest Strip Insecticide Code #ba-36 Wrapped.	3/29/91	Nonresponse
	008845-00111	No-Pest Strip Insecticide.....	3/29/91	Nonresponse
	008845-00112	Shell 2-Inch Resin Strip.....	3/29/91	Nonresponse
	008845-00113	New Can Care Insecticide and Deodorant for Plas & Metal.	3/29/91	Nonresponse
	008845-00116	Shell Mini Strip Insecticide.....	3/29/91	Nonresponse
Witco Corp. - Sh & Ea	008898-00012	Keycide X-10.....	3/29/91	Nonresponse
Applied Biochemists, Inc	008959-00009	Weedtrine D Aquatic Herbicide.....	3/29/91	Nonresponse
	008959-00014	Black Algaetrine.....	3/29/91	Nonresponse
	008959-00016	Sanitrine.....	3/29/91	Nonresponse
	008959-00030	Trine C.w.s.....	3/29/91	Nonresponse
	008959-00031	Trine B.a.c.....	3/29/91	Nonresponse
	008959-00035	Wintertrine Winterizer.....	3/29/91	Nonresponse
	008959-00036	Portatrine.....	3/29/91	Nonresponse
	008959-00038	Spa-Trine Dichlor.....	3/29/91	Nonresponse
	008959-00040	Tower Trine Dichlor.....	3/29/91	Nonresponse
	008959-00042	Chlor-Trine Tri-Chlor.....	3/29/91	Nonresponse
	Penguin Down Co.	009075-00001	Penguin-Down Die Rite.....	3/29/91
United Laboratories, Inc	009250-00004	United 62.....	3/29/91	Nonresponse
	009250-00007	Ul 64 Disinfectant, Sanitizer, Deodorizer Concentrate.	3/29/91	Nonresponse
	009250-00010	Ul-91 Concentrated Swimming Pool Algaecide.....	3/29/91	Nonresponse
	009250-00015	Ul-85 Weed and Brush Killer.....	3/29/91	Nonresponse
	009250-00016	Ul-245 Chemical Weed Picker.....	3/29/91	Nonresponse
	009250-00026	United 380 2% Transparent Emulsion Concentrate...	3/29/91	Nonresponse
	009250-00030	Ground Zero.....	3/29/91	Nonresponse
	009250-00031	United 465 P.d.q.....	3/29/91	Nonresponse
	009250-00038	United - 309 Microbiocide.....	3/29/91	Nonresponse
	Custom Chemicides	009319-00011	At-90.....	3/29/91
Sunniland Corp.	009404-00042	Sunniland Dipel Hg.....	3/29/91	Nonresponse
Masury Columbia	009647-00004	Masury Columbia Cleanicide Phenolic Germicidal Cleaner.	3/29/91	Nonresponse
	009647-00014	Masury-Columbia Spring Day Quaternary Germ. Cleaner.	3/29/91	Nonresponse
	009647-00029	Spring Day Rtu.....	3/29/91	Nonresponse
	009647-00036	Myco Sanitizer 64.....	3/29/91	Nonresponse
Chemsico	009688-00001	Insecticide for Flying Insects.....	3/29/91	Nonresponse
	009688-00003	Super Insect Spray.....	3/29/91	Nonresponse
	009688-00013	Spray Chem Wasp and Hornet Spray.....	3/29/91	Nonresponse
Swift Chemical & Supplies Inc.	009820-00001	Dgd Disinfectant Germicide Deodorant.....	3/29/91	Nonresponse
Graham Products, inc.	009839-00004	Bac-Trol.....	3/29/91	Nonresponse
	009839-00005	Bac-Trol Xs.....	3/29/91	Nonresponse
	009839-00006	Sansoft Sanitizing Fabric Conditioner Concentrate...	3/29/91	Nonresponse
	009839-00007	Bacsoft Bacteriostat Fabric Conditioner Concentrate.	3/29/91	Nonresponse
Rite-Off Inc. (a Delaware Corp.)	009852-00021	Rite Off Residual Surface Spray.....	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	009852-00022	Rite Off General Purpose Insect Spray.....	3/29/91	Nonresponse
	009852-00026	Rite Off Food Plant Fogging Insecticide.....	3/29/91	Nonresponse
	009852-00035	Rite-Off Farm & Industry Multi-Purpose Insecticide Concentrate.....	3/29/91	Nonresponse
	009852-00047	D-Ban Roach & Ant Spray.....	3/29/91	Nonresponse
	009852-00059	Rite-Off D'ban Water Base Residual Spray.....	3/29/91	Nonresponse
	009852-00061	Fog-Off Total Release Fogger.....	3/29/91	Nonresponse
	009852-00062	Rite-Off Carpet Insecticide Powder.....	3/29/91	Nonresponse
American Dish Service	010083-20004	Adsc0 Green Sanitizer.....	3/29/91	Nonresponse
Tennessee Chemical Co. Mt. Chemicals Region	010103-00010	Mountain Brand Copper Sulfate Liquid.....	3/29/91	Nonresponse
ICI Americas Inc.	010182 AL-83-0013	Ambush Insecticide.....	3/29/91	Nonresponse
	010182 CA-78-0013	Ortho Paraquat (cl).....	3/29/91	Nonresponse
	010182 CA-87-0025	Ambush Insecticide.....	3/29/91	Nonresponse
	010182 HI-89-0001	Gramoxone Super Herbicide.....	3/29/91	Nonresponse
	010182 MS-87-0005	Gramoxone Super Herbicide.....	3/29/91	Nonresponse
	010182 NE-87-0002	Gramoxone Super Herbicide.....	3/29/91	Nonresponse
	010182 NV-87-0001	Gramoxone Super Herbicide.....	3/29/91	Nonresponse
	010182 OH-88-0002	Gramoxone Super Herbicide.....	3/29/91	Nonresponse
	010182 OR-82-0030	Ortho Paraquat (cl).....	3/29/91	Nonresponse
	010182 OR-82-0032	Ortho Paraquat (cl).....	3/29/91	Nonresponse
	010182 OR-82-0034	Ortho Paraquat (cl).....	3/29/91	Nonresponse
	010182 OR-82-0037	Ortho Paraquat (cl).....	3/29/91	Nonresponse
	010182 OR-82-0038	Ortho Paraquat (cl).....	3/29/91	Nonresponse
	010182 OR-85-0027	Ortho Paraquat (cl).....	3/29/91	Nonresponse
	010182 WA-89-0002	Gramoxone Super Herbicide.....	3/29/91	Nonresponse
	010182-00153	Captan-Sulfur 10-50 Dust.....	3/29/91	Nonresponse
	010182-00247	Sutazine + 6.25 Me Selective Herbicide.....	3/29/91	Nonresponse
Hohn Mfg., Inc.	010208-00001	Sani-Trol Sanitizing Tablet.....	3/29/91	Nonresponse
	010208-00002	Hgc 64.....	3/29/91	Nonresponse
Spray Distributors, Inc.	010258-00004	Tigress Insecticide No. 4.....	3/29/91	Nonresponse
Ford's Chemical & Service, Inc.	010370-00006	Sbp-1382 Insecticide Spray 0.05 Synthetic Pyrethroid.....	3/29/91	Nonresponse
	010370-00020	Ford's Pyrene-Diazinon Residual Spray Liquid.....	3/29/91	Nonresponse
	010370-00021	Ford's Roach & Ant Spray.....	3/29/91	Nonresponse
	010370-00025	Ford's Commercial Spray.....	3/29/91	Nonresponse
	010370-00026	Ford's Household and Apartment Spray.....	3/29/91	Nonresponse
	010370-00028	Ford's Food Plant Fogging Insecticide.....	3/29/91	Nonresponse
	010370-00029	Ford's Aquakill Roach and Ant Spray.....	3/29/91	Nonresponse
	010370-00030	Foamspray Products Captan Flowable.....	3/29/91	Nonresponse
	010370-00031	Foamspray Products Imidan Emulsifiable Concentrate.....	3/29/91	Nonresponse
	010370-00032	Foamspray Products Sevin* General Outdoor Spray.....	3/29/91	Nonresponse
	010370-00033	Foamspray Products 57% Malathion Emulsifiable Concentrate.....	3/29/91	Nonresponse
	010370-00034	Foamspray Products Diazinon Super 12.....	3/29/91	Nonresponse
	010370-00036	Ford's Dursban 1/2 G.....	3/29/91	Nonresponse
	010370-00037	Ford's Dursban 2e.....	3/29/91	Nonresponse
	010370-00038	Ford's Diazinon 25%.....	3/29/91	Nonresponse
	010370-00039	Ford's Diazinon 4e Insecticide.....	3/29/91	Nonresponse
	010370-00041	Ford's Diazinon Plus Roach Spray.....	3/29/91	Nonresponse
	010370-00042	Ford's All Seasons Roach & Ant Spray.....	3/29/91	Nonresponse
	010370-00043	Ford's Diazinon 2d.....	3/29/91	Nonresponse
	010370-00044	Ford's Diazinon 5 Granules.....	3/29/91	Nonresponse
	010370-00045	Ford's Durs-Vap Insecticide Concentrate.....	3/29/91	Nonresponse
	010370-00046	Ford's Dursban 1 G.....	3/29/91	Nonresponse
	010370-00047	Ford's Lawn Granules.....	3/29/91	Nonresponse
	010370-00048	Ford's Lawn & Ornamental Spray.....	3/29/91	Nonresponse
	010370-00049	Ford's Roach Bait.....	3/29/91	Nonresponse
	010370-00050	Ford's Flea and Brown Dog Tick Granules.....	3/29/91	Nonresponse
	010370-00051	Ford's Pyre-Gel Roach Powder.....	3/29/91	Nonresponse
	010370-00052	Diazinon Ag500 Insecticide.....	3/29/91	Nonresponse
	010370-00053	Ford's Lawn Granules-Sf.....	3/29/91	Nonresponse
	010370-00054	Ford's Dursban 2.5% G Granular Insecticide.....	3/29/91	Nonresponse
	010370-00055	Ford's Dursban 1/2 G-Sf.....	3/29/91	Nonresponse
	010370-00056	Ford's Dursban 1g-Sf.....	3/29/91	Nonresponse
	010370-00057	Ford's Flea and Brown Dog Tick Granules-Sf.....	3/29/91	Nonresponse
	010370-00058	Ford's Malathion 57%.....	3/29/91	Nonresponse
	010370-00059	Ford's Control Plus Roach Spray.....	3/29/91	Nonresponse
	010370-00060	Ford's Multi-Purpose Concentrate.....	3/29/91	Nonresponse
	010370-00061	Ford's Aquakill Plus Roach Spray.....	3/29/91	Nonresponse
	010370-00062	Ford's C-Plus Roach & Ant Spray.....	3/29/91	Nonresponse
	010370-00063	Ford's Bor-Kill Roach Powder.....	3/29/91	Nonresponse
	010370-00064	Ford's Dursban 1-E.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	010370-00065	Ford's Dursban 4e Insecticide.....	3/29/91	Nonresponse
	010370-00066	Deep South Sbp-1382 Pressurized Spray Insecticide 0.25.	3/29/91	Nonresponse
	010370-00068	57% Malathion.....	3/29/91	Nonresponse
	010370-00069	Sbp 1382-3 E C.....	3/29/91	Nonresponse
	010370-00070	Terraclor 2e.....	3/29/91	Nonresponse
	010370-00071	Professional Spray Concentrate.....	3/29/91	Nonresponse
	010370-00072	Deep South Puffy Powder.....	3/29/91	Nonresponse
	010370-00074	Ford's Diazinon 45.....	3/29/91	Nonresponse
	010370-00076	Ford's 1% Propoxur Spray.....	3/29/91	Nonresponse
	010370-00081	Ford's Roach Powder.....	3/29/91	Nonresponse
	010370-00083	Ford's Multipurpose Aerosol.....	3/29/91	Nonresponse
	010370-00084	Ford's Marine Control Multi Purpose Insecticide.....	3/29/91	Nonresponse
	010370-00085	Ford's Dursban 1% Dust Insecticide.....	3/29/91	Nonresponse
	010370-00086	Ford's Dursban Plus Dust Insecticide.....	3/29/91	Nonresponse
	010370-00087	Ford's Dursban 42-D Insecticide.....	3/29/91	Nonresponse
	010370-00089	Ford's Dursban 1-D Insecticide.....	3/29/91	Nonresponse
	010370-00092	Ford's Pyre-Dust Roach Powder.....	3/29/91	Nonresponse
	010370-00113	Staffel's Roach Spray.....	3/29/91	Nonresponse
	010370-00114	Staffel's 56% Malathion (premium grade).....	3/29/91	Nonresponse
	010370-00115	Sevin-5 Dust.....	3/29/91	Nonresponse
	010370-00117	Sevin 50 Wettable.....	3/29/91	Nonresponse
	010370-00118	Metox "50".....	3/29/91	Nonresponse
	010370-00119	Staffel's Rats-N-Mice Killer.....	3/29/91	Nonresponse
	010370-00120	Staffel's Rats-N-Mice Bait.....	3/29/91	Nonresponse
	010370-00121	Ford's Snail and Bug Bait.....	3/29/91	Nonresponse
	010370-00122	Staffel's Cage and Aviary Spray.....	3/29/91	Nonresponse
	010370-00123	Staffel's Bio-Spray.....	3/29/91	Nonresponse
	010370-00125	Staffel's Root-Stop.....	3/29/91	Nonresponse
	010370-00126	Diary-Beep Cattle Dust.....	3/29/91	Nonresponse
	010370-00127	Staffel's Malathion 25% Wettable Powder.....	3/29/91	Nonresponse
	010370-00128	Ford's 5% Malathion Dust.....	3/29/91	Nonresponse
	010370-00129	Sevin 10 Dust.....	3/29/91	Nonresponse
	010370-00130	Staffel's Bio Dust.....	3/29/91	Nonresponse
	010370-00131	Staffel's Special Lawn Food 15-10-10 Fertilizer-Insecticide.	3/29/91	Nonresponse
	010370-00132	Staffel's Dipel Garden Caterpillar Dust.....	3/29/91	Nonresponse
	010370-00133	Staffel's Household Flying Insect Killer.....	3/29/91	Nonresponse
	010370-00134	Staffel's House & Garden Insect Killer.....	3/29/91	Nonresponse
	010370-00136	Staffel's Multi Purpose Spray.....	3/29/91	Nonresponse
	010370-00137	Staffel's "Professional Strength Insect Killer".....	3/29/91	Nonresponse
	010370-00138	Staffel's Crawling Insect Killer.....	3/29/91	Nonresponse
	010370-00139	Staffel's Dual Action Insect Killer.....	3/29/91	Nonresponse
	010370-00140	Chlor-Phos Termite Concentrate.....	3/29/91	Nonresponse
	010370-00141	Ford's Fire Ant 2.5g Insecticide.....	3/29/91	Nonresponse
	010370-00142	Ford's Dursban Fire Ant 10% Granular Insecticide.....	3/29/91	Nonresponse
	010370-00146	Liquid Edger Ready to Use.....	3/29/91	Nonresponse
	010370-00147	Ford's 50% Malathion Emulsifiable Concentrate.....	3/29/91	Nonresponse
	010370-00148	Diazinon 14g.....	3/29/91	Nonresponse
	010370-00149	Propoxur 1.5 Emulsifiable Concentrate.....	3/29/91	Nonresponse
	010370-00151	Ford's Dursban-Ddvp 2.5 E.c.....	3/29/91	Nonresponse
	010370-00152	5% Sevin Bait.....	3/29/91	Nonresponse
	010370-00153	Ford's Sevin 11.7 Flowable.....	3/29/91	Nonresponse
	010370-00156	Ford's Ant, Roach and Insect Powder.....	3/29/91	Nonresponse
	010370-00159	Ford's Turf-G Granular Insecticide.....	3/29/91	Nonresponse
	010370-00160	Tomato and Vegetable Insect Spray.....	3/29/91	Nonresponse
	010370-00161	Eptam 2.3 G Granules.....	3/29/91	Nonresponse
	010370-00162	Ford's Fruit, Nut & Citrus Spray.....	3/29/91	Nonresponse
	010370-00163	Flea, Tick & Mange Dip.....	3/29/91	Nonresponse
	010370-00164	Dursban-Ddvp 1.25 E.c.....	3/29/91	Nonresponse
	010370-00165	Di-Syston 2% Granular.....	3/29/91	Nonresponse
	010370-00166	Broadleaf Spot Weeder.....	3/29/91	Nonresponse
	010370-00168	Ford's Nutgrass and Chickweed Killer.....	3/29/91	Nonresponse
	010370-00169	Ford's Crabgrass and Foxtail Killer.....	3/29/91	Nonresponse
	010370-00170	Pcnb 10-G Soil Fungicide.....	3/29/91	Nonresponse
	010370-00171	Turf G Plus Granular Insecticide Plus Fertilizer.....	3/29/91	Nonresponse
	010370-00174	Roach and Cricket Bait.....	3/29/91	Nonresponse
	010370-00177	Betasan 7g.....	3/29/91	Nonresponse
	010370-00178	Betasan 3.6g Granules.....	3/29/91	Nonresponse
	010370-00179	6% Malathion for Grain Protection.....	3/29/91	Nonresponse
	010370-00180	Ford's Broadleaf Spot Weed Killer.....	3/29/91	Nonresponse
	010370-00181	Systemic Rose & Flower Care W/ 8-12-4 Plant Food.	3/29/91	Nonresponse
	010370-00182	Bendiocarb 20% Wettable Powder.....	3/29/91	Nonresponse
	010370-00183	Bendiocarb 76% Wettable Powder.....	3/29/91	Nonresponse
	010370-00184	Root Stimulator and Plant Starter Solution.....	3/29/91	Nonresponse
	010370-00185	Bendiocarb Technical 95.0%.....	3/29/91	Nonresponse
	010370-00186	Trichlorfon Granules.....	3/29/91	Nonresponse
	010370-00187	Diathrin Plus Roach and Ant Powder.....	3/29/91	Nonresponse
	010370-00188	Diathrin Ant & Roach Powder.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	010370-00189	Lindane 12 1/2% Concentrate.....	3/29/91	Nonresponse
	010370-00191	20% Lindane Concentrate.....	3/29/91	Nonresponse
	010370-00193	Ford's Diazinon 1/2% Me.....	3/29/91	Nonresponse
	010370-00194	Ford's Diazinon 1% M.e.....	3/29/91	Nonresponse
	010370-00195	Baird & McGuire's Roach Spray.....	3/29/91	Nonresponse
	010370-00197	Pyre-Cide 3-6-10 Oil Concentrate.....	3/29/91	Nonresponse
	010370-00198	Flea and Tick Duster for Carpets and Upholstered Furniture.....	3/29/91	Nonresponse
	010370-00200	Roach Spray Aerosol.....	3/29/91	Nonresponse
	010370-00205	Pyrethrin 1-2-3 Oil Concentrate.....	3/29/91	Nonresponse
	010370-00207	Organicide Dip.....	3/29/91	Nonresponse
	010370-00210	Ford's Ppt No. 1515 Insect Spray.....	3/29/91	Nonresponse
	010370-00211	Ppt No. 101 Insect Spray.....	3/29/91	Nonresponse
	010370-00212	forty-Nine Plus (permethrin).....	3/29/91	Nonresponse
	010370-00213	Ultimate Spray.....	3/29/91	Nonresponse
	010370-00222	Ford's Ultra S.s.c.-12-2.5.....	3/29/91	Nonresponse
	010370-00223	Micro-Cap II Roach and Flea Spray.....	3/29/91	Nonresponse
	010370-00224	Ford's Aqua Py Dog & Cat Spray.....	3/29/91	Nonresponse
	010370-00226	Ford's Garden Spray.....	3/29/91	Nonresponse
	010370-00227	Ford's Permicide Crack & Crevice Spray.....	3/29/91	Nonresponse
	010370-00228	Ford's Pyricide Garden Spray Concentrate.....	3/29/91	Nonresponse
	010370-00229	Ford's Commercial Aqua Fog.....	3/29/91	Nonresponse
	010370-00231	Ford's Aqua Fog.....	3/29/91	Nonresponse
	010370-00238	Superior Brand Roach & Ant Bait-Gel.....	3/29/91	Nonresponse
Biddle Sawyer Corp.	010442-00005	Warfarin.....	3/29/91	Nonresponse
Unichem International Inc.	010485-00043	Alpha 581.....	3/29/91	Nonresponse
Vasco Chemical Co. Inc.	010562-00001	Vasco Formula 100-G.....	3/29/91	Nonresponse
	010562-00013	Vasco Pool Protector.....	3/29/91	Nonresponse
General Control Co. Inc.	010583-00015	Doomsday Concentrate.....	3/29/91	Inadequate
Crystal Chemical & Packing Co. Inc.	010613-00001	Concentrated Conclor.....	3/29/91	Nonresponse
Performance Engineered Products	010807-00006	Misty Multi-Purpose Insecticide.....	3/29/91	Nonresponse
Chem-Power	010882-00006	Microcide.....	3/29/91	Nonresponse
	010882-00008	Microcide Plus.....	3/29/91	Nonresponse
	010882-00010	Chem-Cide Insect Spray.....	3/29/91	Nonresponse
	010882-00011	Chem Power Combat Fog Spray.....	3/29/91	Nonresponse
	010882-00013	Wasp & Hornet Spray.....	3/29/91	Nonresponse
S O S Products Co. Inc.	010906-00001	Rootout (for Killing Roots In Sewers).....	3/29/91	Nonresponse
California Dept. of Food & Agriculture	010964 CA-76-0165	Kethane 35 Agricultural Miticide Wettable Powder.....	3/29/91	Nonresponse
	010964 CA-76-0166	Ortho Malathion 25 Wettable.....	3/29/91	Nonresponse
	010964 CA-76-0221	Ortho Dibrom 8 Emulsive.....	3/29/91	Nonresponse
	010964 CA-77-0078	Geigy Diazinon 50w (50% Wettable Power) Insecticide.....	3/29/91	Nonresponse
	010964 CA-78-0207	Union Carbide Sevin Brand 50-W Insecticide.....	3/29/91	Nonresponse
	010964 CA-79-0033	Pencap M Microencapsulated.....	3/29/91	Nonresponse
	010964 CA-79-0044	Stauffer Vapam 4-S Soil Fumigant Solution.....	3/29/91	Nonresponse
	010964 CA-82-0055	Dow Dursban 2e Insecticide.....	3/29/91	Nonresponse
	010964 CA-82-0075	D-Z-N Diazinon 50w Insecticide.....	3/29/91	Nonresponse
	010964 CA-83-0007	Union Carbide Sevin Brand Sprayable Carbaryl Insecticide.....	3/29/91	Nonresponse
	010964 CA-83-0012	Cythion 5 Ec.....	3/29/91	Nonresponse
	010964 CA-83-0017	Diazinon 4 Ec.....	3/29/91	Nonresponse
	010964 CA-83-0056	Geigy Diazinon 14g (14.3% Granular) Insecticide.....	3/29/91	Nonresponse
	010964 CA-85-0006	Thuricide(r) 32lv.....	3/29/91	Nonresponse
	010964 CA-86-0005	Ortho Dibrom 14 Concentrate.....	3/29/91	Nonresponse
Glenn County Agricultural Commissioner	011028 CA-78-0162	Orthene Tree and Ornamental Spray.....	3/29/91	Nonresponse
	011028 CA-85-0051	Goal 1.6e Herbicide.....	3/29/91	Nonresponse
Humboldt County Agricultural Commissioner	011050 CA-87-0073	Vydate L Insecticide Nematicide.....	3/29/91	Nonresponse
Imperial County Agricultural Commissioner	011053 CA-78-0190	Furadan 4 Flowable.....	3/29/91	Nonresponse
	011053 CA-79-0113	Di-Syston Liquid Concentrate Systemic Insecticide.....	3/29/91	Nonresponse
Riverside County Agricultural Commissioner	011150 CA-78-0040	Best Snail & Slug Bait-M.....	3/29/91	Nonresponse
San Diego County Agricultural Commissioner	011168 CA-79-0025	Rodent Bait Diphacinone Treated Grain (0.005%).....	3/29/91	Nonresponse
	011168 CA-79-0026	Rodent Bait Diphacinone Treated Grain (0.01%).....	3/29/91	Nonresponse
	011168 CA-87-0028	Roach Free.....	3/29/91	Nonresponse
	011168 CA-87-0042	Baygon 2% Bait Insecticide.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
County of Santa Barbara Agricultural Commissioner	011168 CA-87-0046	Whitmire Pt 270 Dursban .....	3/29/91	Nonresponse
	011181 CA-86-0043	Dacthal W-75 Herbicide.....	3/29/91	Nonresponse
	011181 CA-87-0078	Kerb 50-W Herbicide (in Water Soluble Pouches).....	3/29/91	Nonresponse
National Sanitary Supply Co.	011200-00001	D-Fen 30-40 Disinfectant Cleaner.....	3/29/91	Nonresponse
	011200-00004	Action D 1702 Disinfectant Cleaner-Sanitizer.....	3/29/91	Nonresponse
	011200-00016	Phenomint 7 .....	3/29/91	Nonresponse
	011200-00017	Odorless 10 Disinfectant .....	3/29/91	Nonresponse
Sutter County Agricultural Commissioner	011208 CA-77-0398	Methyl Bromide Rodent Fumigant.....	3/29/91	Nonresponse
	011208 CA-78-0011	Guthion 50% Wettable Powder Crop Insecticide.....	3/29/91	Nonresponse
Watco-Dennis Corp.	011234-00006	Watco Exterior Wood Finish .....	3/29/91	Nonresponse
Neuhaus Chemical Products Co.	011289-00001	Do It Yourself Pest Control .....	3/29/91	Nonresponse
Dold Feed Co. Inc.	011345-00002	Greenway Weed and Feed Plus Iron.....	3/29/91	Inadequate
Sentinel Insect Control Laboratory	011357-00002	Sentinel Two-Way Roach Spray.....	3/29/91	Nonresponse
Share Corp.	011547-00002	Vegetation Control.....	3/29/91	Nonresponse
	011547-00038	Germicidal Cleaner .....	3/29/91	Nonresponse
Rhone Poulenc Ag Co.	012020-00002	Diuron-80 .....	3/29/91	Nonresponse
Heat Power Engineering Co. Inc.	012461-00004	#695 Cooling Water Treatment (algaecide) .....	3/29/91	Nonresponse
H-O-H Chemicals Inc.	012479-00003	A-400 M.....	3/29/91	Nonresponse
Laun-Dry Supply Co., Inc.	013019-00016	Hi Quat Disinfectant.....	3/29/91	Nonresponse
Rainbow Technology Corp.	013283 MS-89-0007	Permanone Multi-Purpose 10% E. C.....	3/29/91	Nonresponse
Van's Dairy Supplies	013766-00004	Hi-Phen Sanitizer .....	3/29/91	Nonresponse
Aqua Clear Industries, Inc.	015127-00001	Aqua Clear Winter Algaecide.....	3/29/91	Nonresponse
	015127-00002	Aqua Clear Summer Algaecide.....	3/29/91	Nonresponse
	015127-00004	Aqua Clear Slo-Tabs.....	3/29/91	Nonresponse
	015127-00006	Aqua Clear 10% Algaecide.....	3/29/91	Nonresponse
	015127-00009	Aqua Clear Aqua-Shock .....	3/29/91	Nonresponse
	015127-00010	Aqua Clear Rapid-Chlor.....	3/29/91	Nonresponse
	015127-00011	Aqua Clear Winterizer .....	3/29/91	Nonresponse
Wave Energy Systems, Inc.	015136-00001	Wavicide-01 .....	3/29/91	Nonresponse
	015136-00002	Wavicide-01 .....	3/29/91	Nonresponse
	015136-00004	Wavicide-02 Concentrate .....	3/29/91	Nonresponse
	015136-00005	Wavicide - 05 .....	3/29/91	Nonresponse
	015136-00006	Wavicide - 06 .....	3/29/91	Nonresponse
Spectrowax Corp.	017217-00012	Quat-Trol.....	3/29/91	Nonresponse
Baroid Division	017664-00008	Aldacide .....	3/29/91	Nonresponse
Industrial Maintenance Corp.	017866-00005	Ba-1010 .....	3/29/91	Nonresponse
	017866-00007	A-108.....	3/29/91	Nonresponse
Hubbard Chemicals	017868-00001	Rover's Mange Medicine for Dogs.....	3/29/91	Nonresponse
Midwest Pool Supply	018723-00001	Chem-Clear .....	3/29/91	Nonresponse
Cindy Pools	020642-20001	Hbh Sodium Hypochlorite Solution .....	3/29/91	Nonresponse
Em Industries Inc.-Plant Protection Div.	021137 CA-81-0039	Funginex Emulsifiable Concentrate.....	3/29/91	Nonresponse
	021137 CA-82-0095	Funginex Emulsifiable Concentrate.....	3/29/91	Nonresponse
	021137 WA-82-0018	Funginex Emulsifiable Concentrate.....	3/29/91	Nonresponse
Twin County Grocers	029728-00001	Foodtown Fresh Scent Bleach.....	3/29/91	Nonresponse
Midland Fumigant Inc.	030574-00001	L-Fume Pellets.....	3/29/91	Nonresponse
	030574-00004	L-Fume Tablets.....	3/29/91	Nonresponse
Maldonado & Co. Inc.	030950-00001	R. Maldonado Diazinon (r)4e insecticide.....	3/29/91	Nonresponse
	030950-00002	R Maldonado Diazinon Ag 500.....	3/29/91	Nonresponse
Kare Kemical Division	032196-00016	Pool Kare Liquid Chlorinator .....	3/29/91	Nonresponse
Floralife Inc.	032258-00001	Floralife Formula D.c.d.....	3/29/91	Nonresponse
Howard Johnson's Enterprises, Inc.	032802-00026	Benefin 78 Plus.....	3/29/91	Nonresponse
Killquik, Inc.	032900-00002	Killquik Insecticide .....	3/29/91	Nonresponse
Ma.am Corp.	033448-00006	Mb-200.....	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	033448-00008	Mb-50.....	3/29/91	Nonresponse
Spectral Chemical Co. Inc.	033466-00006	Pine Disinfectant.....	3/29/91	Nonresponse
Delta Corp.	033677-00001	Methylene bis(thiocyanate).....	3/29/91	Nonresponse
Aerosol Services Co. Inc.	033764-00001	Kill-Lice Brand Pediculosis Control.....	3/29/91	Nonresponse
	033764-00002	Plain Wrap House & Garden Bug Killer.....	3/29/91	Nonresponse
	033764-00003	Plain Wrap Flying Insect Killer.....	3/29/91	Nonresponse
	033764-00004	Plain Wrap Residual Ant & Roach Insecticide.....	3/29/91	Nonresponse
	033764-00007	Deet 100 Brand Insect Repellent Liquid.....	3/29/91	Nonresponse
Nissan Chemical Industries Ltd.	033906-00001	Hi-Lite 60p Powder.....	3/29/91	Nonresponse
	033906-00002	Hi-Lite 90p Powder.....	3/29/91	Nonresponse
	033906-00003	Hi-Lite 90 G Granular.....	3/29/91	Nonresponse
	033906-00004	Hi-Lite 60g Granular.....	3/29/91	Nonresponse
	033906-00005	Nissan D.c.c. Na. Granular.....	3/29/91	Nonresponse
	033906-00006	Nissan T.c.c.a. Granular.....	3/29/91	Nonresponse
	033906-00007	Nissan D.c.c. Na Dihydrate Granular.....	3/29/91	Nonresponse
K A Steel Chemicals Inc.	033981-00001	K.A. Steel Chemicals Inc. Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
	033981-20001	Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
H. Wilson Mfg. Co.	034052-00001	Bear-Cat Fly Spray.....	3/29/91	Nonresponse
	034052-00002	Bear-Cat Concentrate.....	3/29/91	Nonresponse
	034052-00003	Sani Clean.....	3/29/91	Nonresponse
	034052-00005	Defend Quaternary Pine Oil.....	3/29/91	Nonresponse
	034052-00006	Sentry.....	3/29/91	Nonresponse
	034052-00009	Enforcer.....	3/29/91	Nonresponse
	034052-00011	Bear - Cat 20 Plus.....	3/29/91	Nonresponse
	034052-00012	Bear-Cat Plus.....	3/29/91	Nonresponse
	034052-00015	Bear-Cat Disinfectant.....	3/29/91	Nonresponse
Western Laboratories	034348-00001	Fly-Off Spray Or Wipe.....	3/29/91	Nonresponse
	034348-00002	Fly Off-Concentrate.....	3/29/91	Nonresponse
Wexford Labs. Inc.	034810-00001	Wex-San.....	3/29/91	Nonresponse
	034810-00002	Market - San 256.....	3/29/91	Nonresponse
	034810-00003	Market - San 64.....	3/29/91	Nonresponse
	034810-00006	Wex-Cel Concentrated Germicidal Detergent.....	3/29/91	Nonresponse
	034810-00007	Super Wex-Cel Concentrated Germicidal Detergent.....	3/29/91	Nonresponse
	034810-00008	Wex-Cide Concentrated Germicidal Detergent.....	3/29/91	Nonresponse
	034810-00016	Phenex - Cel.....	3/29/91	Nonresponse
	034810-00017	Wexford Dri-Cide.....	3/29/91	Nonresponse
	034810-00019	Topps.....	3/29/91	Nonresponse
Esco Distributor, Inc.	034862-00001	End-A-Bug Lawn Granules.....	3/29/91	Nonresponse
Royal Chemical Co.	034956-00003	Odorless Disinfectant & Sanitizer.....	3/29/91	Nonresponse
	034956-00007	Pinefive Pine Odor Disinfectant.....	3/29/91	Nonresponse
	034956-00008	Gamma-Cide Residual Insecticide.....	3/29/91	Nonresponse
	034956-00025	Econo-Cide.....	3/29/91	Nonresponse
	034956-00026	Edg-It Grass & Weed Killer.....	3/29/91	Nonresponse
Quality Turf	035298-00002	Toxo Kill All No. 10.....	3/29/91	Nonresponse
J.m.w. App & Co., Inc.	035488-20204	Doc Edmonds' Roach Powder.....	3/29/91	Nonresponse
Chem Pro Lab, Inc.	035571-00022	Chem Pro Al-10 Microbiocide.....	3/29/91	Nonresponse
Chem Tab Chemical Corp.	035572-00003	Spp Concentrated Chlorinating Jumbo Tablets.....	3/29/91	Nonresponse
	035572-00011	Proguard Algae-Gone.....	3/29/91	Nonresponse
Enterprise Sales Co.	035576-00014	The Fuld Line Emulsion Bowl Cleanser & Disinfectant.....	3/29/91	Nonresponse
Crown Chemical Co.	035772-00012	Coc Liquid Bactericide.....	3/29/91	Nonresponse
Anchor Corp.	036118-20002	Am-Chlor (sodium hypochlorite solution).....	3/29/91	Nonresponse
Reed & Carrick	036232-00002	R & C Spray III.....	3/29/91	Nonresponse
	036232-00003	R & C Shampoo.....	3/29/91	Nonresponse
Degesch America, Inc.	036301-00001	J-Pyred-510.....	3/29/91	Nonresponse
	036301-00009	J-Chlor-2 Concentrate.....	3/29/91	Nonresponse
	036301-00011	J-Mal-92 Premium Grade Malathion Agricultural Insecticide.....	3/29/91	Nonresponse
Organic Control Inc.	036476-00001	Organic Control, Inc. Mite & Fungus Control.....	3/29/91	Nonresponse
	036476-00003	Organic Control Inc., Caterpillar Control.....	3/29/91	Nonresponse
	036476-20203	Organic Control, Inc.....	3/29/91	Nonresponse
Republic Drug Co., Inc.	036604-00002	Licetrol 600.....	3/29/91	Inadequate

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
Arc Chemical Corp.	036736-00002	Ethylene Oxide 100% .....	3/29/91	Nonresponse
	036736-00003	Sterilizing Gas 3.....	3/29/91	Nonresponse
	036736-00004	Sterilizing Gas 4.....	3/29/91	Nonresponse
	036736-00005	Sterilizing Gas 5.....	3/29/91	Nonresponse
	036736-00006	Sterilizing Gas 6.....	3/29/91	Nonresponse
Sinton Supply Co., Inc.	036739-20001	Sinco Super Shok.....	3/29/91	Nonresponse
Barber's Chemical	037557-00001	Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
S & S Pool Service	037732-20002	Chlorinating Solution (sodium hypochlorite).....	3/29/91	Nonresponse
Regwest Co.	037915-00004	Professional Brand Pest Control Formula D 4e.....	3/29/91	Nonresponse
	037915-00006	Professional Pest Control Formula Dc-500.....	3/29/91	Nonresponse
	037915-00007	Professional Brand Pest Control Formula D-100+.....	3/29/91	Nonresponse
Shaldra Biotest, Inc.	038526-00001	Cavicide Disinfectant, Cleaner, Deodorant Solution.....	3/29/91	Nonresponse
	038526-00002	Mankaid No.7 Surface Disinfectant.....	3/29/91	Nonresponse
Imperial West Chemical Co.	038539-00001	Copper Sulfate Crystals.....	3/29/91	Nonresponse
	038539-00002	Copper Sulfate Liquid.....	3/29/91	Nonresponse
	038539-00004	Imperial Pool Chlor.....	3/29/91	Nonresponse
	038539-00005	Imperial Chlor No. 1.....	3/29/91	Nonresponse
	038539-00006	Imperial Chlor No. 2.....	3/29/91	Nonresponse
Arcnem, inc.	038664-00001	Archem Inc. Banish.....	3/29/91	Nonresponse
	038664-00002	Archem Power Fog Insect Spray.....	3/29/91	Nonresponse
	038664-00003	Banish Residual Insect Spray.....	3/29/91	Nonresponse
	038664-00004	Insect Spray.....	3/29/91	Nonresponse
	038664-00005	Archem Inc. Wasp & Hornet Killer.....	3/29/91	Nonresponse
	038664-00006	Dead Veg.....	3/29/91	Nonresponse
	038664-00008	Archem Fast Kill Food & Dairy Spray.....	3/29/91	Nonresponse
	038664-00016	Cwt-300.....	3/29/91	Nonresponse
	038664-00022	Wah Wasp & Hornet Killer.....	3/29/91	Nonresponse
	038664-00023	Ac-Aqua Insecticide.....	3/29/91	Nonresponse
	038664-00024	Aqua Concentrate.....	3/29/91	Nonresponse
	038664-00025	Py-3 Fogger.....	3/29/91	Nonresponse
	038664-00029	Duo Residual Aerosol.....	3/29/91	Nonresponse
	038664-00030	Duo Residual Liquid.....	3/29/91	Nonresponse
Pat's Pool Service, Inc.	038699-00001	Hypochlorite Solution.....	3/29/91	Nonresponse
Novick Chemical Co., Inc.	039020-20001	Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
Dotz Chem Co.	039185-00001	Dotz Germicidal Cleaner.....	3/29/91	Nonresponse
Calabrian International Corp.	039295-00003	Calco Copper Sulfate.....	3/29/91	Nonresponse
	039295-00008	Calco Copper Sulfate.....	3/29/91	Nonresponse
Ims., Inc.	039409-00001	I.m.s. R.o.I. Premix.....	3/29/91	Nonresponse
Interchem Corp.	039502-00007	Protect II Wt.....	3/29/91	Nonresponse
Montedison USA, Inc.	039541-00009	Cldial Technical.....	3/29/91	Nonresponse
	039541-00011	Montedison Ziram Technical.....	3/29/91	Nonresponse
	039541-00020	Ziram 76 Wp Fungicide.....	3/29/91	Nonresponse
VDACS	039793 VA-76-0014	Carboxide Sterilant-Fumigant Gas.....	3/29/91	Nonresponse
Pro-Line Paint Co.	040238-00009	Pro-Line Speed Polishing Polymer 1077.....	3/29/91	Nonresponse
Mainpro, Inc.	040300-00006	Pro-Tox Space Spray Insecticide.....	3/29/91	Nonresponse
	040300-00007	Repel 'n Kill.....	3/29/91	Nonresponse
Dept of Health & Rehabilitative Services	040925 FL-76-0007	Ortho Dibrom 14 Concentrate.....	3/29/91	Nonresponse
	040925 FL-76-0008	Ortho Dibrom 14 Concentrate.....	3/29/91	Nonresponse
Quaker Petroleum Chemicals Co.	040961-00001	540.....	3/29/91	Nonresponse
	040961-00003	530.....	3/29/91	Nonresponse
	040961-00005	Microbiocide 640.....	3/29/91	Nonresponse
Prison Enterprises	041414-00001	Lemon Kleen.....	3/29/91	Nonresponse
Chemical Sanitizing Systems, Ltd.	041628-20004	Css Bleach.....	3/29/91	Nonresponse
Steelcrete Cc	041702-20004	Clear Day Liquid Bleach.....	3/29/91	Nonresponse
Riverside Chemical Co	041715-00012	Little John Tobacco Spray Insecticide.....	3/29/91	Nonresponse
	041715-00014	Dh 20% Toxaphene 2% Parathion Dust.....	3/29/91	Nonresponse
	041715-00015	Fum Kill Fog Oil Concentrate.....	3/29/91	Nonresponse
	041715-00018	D-H 57% Malathion Emulsifiable.....	3/29/91	Nonresponse
	041715-00019	'd-H' Five-One Dust.....	3/29/91	Nonresponse
Regwest Co.	041835-00003	Durakyl Shampoo.....	3/29/91	Nonresponse
	041835-00004	Durakil Flea Control/Dog & Cat Pet Spray.....	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	041835-00006	Durakyl Pet Dip.....	3/29/91	Nonresponse
	041835-00008	Durakyl II Flea & Tick Control Pet Spray.....	3/29/91	Nonresponse
	041835-00009	Durakyl II Flea and Tick Control Pet Shampoo.....	3/29/91	Nonresponse
Strand Pool Service	042086-00001	Sps Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
Maryland Department of Agriculture	042179 MD-78-0010	Carboxide.....	3/29/91	Nonresponse
Southern Home Products	042618-20201	Aunt Hattie's Roachbuster.....	3/29/91	Nonresponse
Patterson Laboratories, Inc.	042702-20001	Pool Hypochlorite.....	3/29/91	Nonresponse
	042702-20002	Pool Hypochlorite "For Swimming Pool Water Treatment".....	3/29/91	Nonresponse
Atlantic Aquatics	043205-20001	Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
J. I. Honberger Co Inc.	043216-20001	Hbh Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
Agri-Chem, Inc.	043410-00033	Chem-Tk 100.....	3/29/91	Nonresponse
	043410-00044	Aci Citri-Foam 10.....	3/29/91	Nonresponse
	043410-00060	Agri-Wax 285.....	3/29/91	Nonresponse
Phos-Fume Chemical Co.	043568-00001	Quick-Phos Pellets.....	3/29/91	Nonresponse
	043568-00002	Quick-Phos Bags.....	3/29/91	Nonresponse
	043568-00003	Quick-Phos Tablets.....	3/29/91	Nonresponse
P.E.L. Associates, Inc.	043686-00004	Pureway Disinfectant Spray.....	3/29/91	Nonresponse
John W. Kennedy Consultants	043981-00007	Chempar Dimethoate Technical Insecticide.....	3/29/91	Nonresponse
	043981-00008	Rogor 2.67 Ec Systemic Insecticide.....	3/29/91	Nonresponse
R-Value, Inc.	044313-00010	Darkling Beetle Control.....	3/29/91	Nonresponse
	044313-00018	Redzone Beetle Bait.....	3/29/91	Nonresponse
	044313-00019	Flea Killer for Carpets.....	3/29/91	Nonresponse
Nu-Way Products	044405-20203	Pow! Roach Killer.....	3/29/91	Nonresponse
Quest Chemical Corp.	044446-00002	Hawk Zot Wasp Spray Formula #1.....	3/29/91	Nonresponse
	044446-00003	Hawk Zot Zf Wasp Spray Formula 1.....	3/29/91	Nonresponse
	044446-00004	Hawk Zot Zf Wasp Spray Formula 2.....	3/29/91	Nonresponse
	044446-00007	Cs 101 Roach & Ant Spray.....	3/29/91	Nonresponse
	044446-00008	Duel Flying & Crawling Insect Killer.....	3/29/91	Nonresponse
	044446-00009	Hawk Zot Wasp Spray Formula 2.....	3/29/91	Nonresponse
	044446-00010	Hawk Zap Fly & Mosquito Spray.....	3/29/91	Nonresponse
	044446-00011	Quik-Kill Fly & Mosquito Spray.....	3/29/91	Nonresponse
	044446-00012	Hawk Swat Fly & Mosquito Spray.....	3/29/91	Nonresponse
	044446-00014	Hawk Ridof Rtu.....	3/29/91	Nonresponse
	044446-00015	Hawk Wipeout Concentrate.....	3/29/91	Nonresponse
	044446-00018	Quest Stakill Residual Insecticide Spray.....	3/29/91	Nonresponse
	044446-00019	Hawk Thermfog Rtu Insecticide Spray.....	3/29/91	Nonresponse
	044446-00020	Staf Hospital Spray Disinfectant.....	3/29/91	Nonresponse
	044446-00021	Hawk Attack Concentrated Weed Killer.....	3/29/91	Nonresponse
	044446-00022	Hawk Doom Rtu Weed Killer.....	3/29/91	Nonresponse
	044446-00023	Germ Away Foaming Germicidal Cleaner.....	3/29/91	Nonresponse
	044446-00024	Quest Doom Weed Killer.....	3/29/91	Nonresponse
	044446-00026	Hawk Bullseye Wasp & Hornet Spray.....	3/29/91	Nonresponse
	044446-00030	Bug Ban Personal Insect Repellent.....	3/29/91	Nonresponse
	044446-00034	Pistol Foaming Germicidal Cleaner.....	3/29/91	Nonresponse
	044446-00035	Algecide.....	3/29/91	Nonresponse
	044446-00037	Lemon Disinfectant.....	3/29/91	Nonresponse
	044446-00038	Pine Scent Disinfectant.....	3/29/91	Nonresponse
	044446-00039	Blitz Insecticide Spray.....	3/29/91	Nonresponse
	044446-00040	Vacate Insecticide.....	3/29/91	Nonresponse
	044446-00046	Quest Flea & Tick Killer I.....	3/29/91	Nonresponse
Nautical Coatings, Inc.	044891-00006	Sea Hawk Blocop 1230 Blue Self Polishing Anti-Fouling C.....	3/29/91	Nonresponse
Ecosafe Laboratories	045220-00001	Pow Herbal Flea Powder.....	3/29/91	Nonresponse
Chem-Tox Inc.	045385-00083	Canol Home Pest Control.....	3/29/91	Nonresponse
Agapao Unlimited Inc.	045438-00001	Roach Embarrasser Formula H-44.....	3/29/91	Nonresponse
Innovative Chemical Corp.	046075-00001	American Trail Insect Repellent.....	3/29/91	Nonresponse
	046075-00002	American Trail Insect Repellent Lotion.....	3/29/91	Nonresponse
John W. Kennedy Consultants, Inc.	046193-00006	Trifluralin E.c.....	3/29/91	Nonresponse
	046193-00007	Chem Rice.....	3/29/91	Nonresponse
	046193-00008	Propanil 4.....	3/29/91	Nonresponse
	046193-00010	Trifluralin Herbicide 4ec.....	3/29/91	Nonresponse
Kimco, Inc.	046238-00001	Disinfectant Sanitizer Deodorizer Ds 1000.....	3/29/91	Nonresponse
International Spike Inc.	046260-00022	Jobe's Spikes 12-8-8 With 1% Dysyston.....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
Dept. of Corrections-Stateville Correctional Ind	046276-00001	Quat Shield.....	3/29/91	Nonresponse
	046276-00002	Germiquat.....	3/29/91	Nonresponse
Reactive Metals & Alloys Corp.	046554-00001	Sodium Hypochlorite Solution.....	3/29/91	Nonresponse
Reef Chemical Co., Inc.	046622-00001	Micro-Biocide; SI-54.....	3/29/91	Nonresponse
Shaldra Biotest, Inc.	046781-00001	Metricide Activated Di-aldehyde Solution.....	3/29/91	Nonresponse
	046781-00002	Metricide 28 Long-Life Activated Di-aldehyde Solution.....	3/29/91	Nonresponse
	046781-00003	Metricide Plus 14.....	3/29/91	Nonresponse
	046781-00004	Metricide Plus 30.....	3/29/91	Nonresponse
	046781-00005	Metricide Automatic Machine Concentrate.....	3/29/91	Nonresponse
Amchem Products Inc.	046830 GA-76-0001	Amchem Ethrel Plant Regulator.....	3/29/91	Nonresponse
Adm Medical Div, Inc.	046851-00001	Omni-II.....	3/29/91	Nonresponse
	046851-00002	Omnicide Sterilizing and Disinfecting Solution.....	3/29/91	Nonresponse
	046851-00004	Omnicide 14.....	3/29/91	Nonresponse
	046851-00005	Omc II Ready To Use.....	3/29/91	Nonresponse
Oceania Pool & Spa Supplies	047090-00001	Oceania Chlorinating Solution.....	3/29/91	Nonresponse
Columbia Paint Co.	047114-00002	Wood Preservative Deep Base.....	3/29/91	Inadequate
Enterprise Chemical Co.	047230-00001	Sani 250 Sanitizer.....	3/29/91	Nonresponse
	047230-00002	E.c.c. Super Sani 700.....	3/29/91	Nonresponse
	047230-00003	E.c.c. Formulation 3d7.....	3/29/91	Nonresponse
	047230-00004	E.c.c. Formula 3d4.....	3/29/91	Nonresponse
	047230-00007	Quad 750 Quarternary Base Sanitizer.....	3/29/91	Nonresponse
	047230-00011	Chem Mark Triple "d".....	3/29/91	Nonresponse
National-Oilwell	047231-00010	B-15 National Microbicide.....	3/29/91	Nonresponse
Alachem-Mccain Industrial Supply Co., Inc.	047251-00005	Alacide 512.....	3/29/91	Nonresponse
Heartland Industries Inc.	047834-00001	Heartland Farm & Dairy Fly Spray.....	3/29/91	Nonresponse
	047834-00003	Heartland Auto-Mist 3 Insect Killer.....	3/29/91	Nonresponse
	047834-00005	Heartland Auto-Mist 2 Insect Killer.....	3/29/91	Nonresponse
	047834-00007	Heartland Do It Yourself Ant & Roach Killer.....	3/29/91	Nonresponse
	047834-00013	Heartland Freeze Brand Wasp + Hornet Spray.....	3/29/91	Nonresponse
	047834-00014	Heartland Freeze Brand Wasp and Hornet Killer.....	3/29/91	Nonresponse
	047834-00015	Heartland Farm & Dairy Insecticide.....	3/29/91	Nonresponse
	047834-00017	Heartland Flea & Tick Killer for Dogs.....	3/29/91	Nonresponse
	047834-00019	Heartland Kennel and Small Animal Quarters Insecticide.....	3/29/91	Nonresponse
	047834-00021	Heartland Flea & Tick Spray.....	3/29/91	Nonresponse
	047834-00036	Mercomist Aerosol Insect Killer.....	3/29/91	Nonresponse
	047834-00039	Heartland Multiuse Insect Fogger.....	3/29/91	Nonresponse
	047834-00041	Heartland Fh-125 Farm and Dairy Insect Killer.....	3/29/91	Nonresponse
	047834-00042	Heartland Fc-1 Farm and Dairy Insect Killer.....	3/29/91	Nonresponse
	047834-00043	Heartland Fh-7 Farm & Dairy Insect Killer.....	3/29/91	Nonresponse
	047834-00044	Heartland Fh-8 Farm & Dairy Insecticide.....	3/29/91	Nonresponse
	047834-00045	Heartland Fh-54 Farm & Dairy Insecticide.....	3/29/91	Nonresponse
	047834-00046	Heartland Fh-225 Farm & Dairy Insecticide.....	3/29/91	Nonresponse
	047834-00051	Heartland Residual Spray.....	3/29/91	Nonresponse
Intercon Chemical	048211-00058	Navy Brand Muni-Fog.....	3/29/91	Nonresponse
	048211-00062	Navy Pine Odor Disinfectant.....	3/29/91	Nonresponse
Phoenix Chemical Co	048520-00011	Modern Stabilized Chlorinating Tiny Tabs.....	3/29/91	Inadequate
The Bug Stop	049045-00007	Viper Roach and Ant Spray.....	3/29/91	Nonresponse
Dover Labs, Inc.	049463-00002	Powercide 116.....	3/29/91	Nonresponse
Meagley, Philips, Lytle, Hitchcock, Blaine & Huber	050383-00006	Wilson's Slug Bait Pellets.....	3/29/91	Nonresponse
	050383-00010	Lucky Sevin Spray.....	3/29/91	Nonresponse
	050383-00011	Lucky Strike Crop Maker.....	3/29/91	Nonresponse
	050383-00014	Wilson Malathion 50% Insect Spray.....	3/29/91	Nonresponse
	050383-00016	Lucky Sevin 5% Dust Or Spray.....	3/29/91	Nonresponse
	050383-00017	Wilson Black Magic Rose and Flower Dust.....	3/29/91	Nonresponse
	050383-00031	Lucky Strike Diazinon Dust.....	3/29/91	Nonresponse
	050383-00033	Lucky Strike Diazinon 12 1/2% Emulsifiable Concentrate.....	3/29/91	Nonresponse
	050383-00034	Lucky Strike Weed Buster.....	3/29/91	Nonresponse
	Fermenta ASC Corp.	050534 CA-80-0178	Dacthal W-75 Herbicide.....	3/29/91
050534 DE-84-0005		Bravo 500 Agricultural Fungicide.....	3/29/91	Nonresponse
050534 MD-84-0005		Bravo 500 Agricultural Fungicide.....	3/29/91	Nonresponse
050534 MI-89-0008		Bravo Plus (bravo C/m).....	3/29/91	Nonresponse

TABLE A.—PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
	050534 NJ-84-0013	Bravo 500 Agricultural Fungicide.....	3/29/91	Nonresponse
	050534 TN-87-0009	Dacthal W-75 Herbicide.....	3/29/91	Nonresponse
	050534 TX-88-0005	Bravo 720.....	3/29/91	Nonresponse
	050534 VA-84-0006	Bravo 500 Agricultural Fungicide.....	3/29/91	Nonresponse
	050534-00040	Post-Emerge Grass & Weed Killer and Lawn Renovator.	3/29/91	Nonresponse
Wesley Water Chemicals	050566-20005	Macco Calcium Hypochlorite Granular 65.....	3/29/91	Nonresponse
Micro-Flo Co.	051036-01143	Fasco Sevin Dust 7 1/2-40.....	3/29/91	Nonresponse
Bioserv, Inc.	051267-00001	Bio-Clean.....	3/29/91	Nonresponse
G & S Enterprises	051354-20001	Sun Guard 15.....	3/29/91	Nonresponse
No-Bite Inc.	051405-00001	No-Bite Insect Repellent.....	3/29/91	Nonresponse
Denbo Corp.	051907-00001	Selective Weed Killer.....	3/29/91	Nonresponse
	051907-00002	Mcpa Amine.....	3/29/91	Nonresponse
	051907-00004	Mcpp-Amine.....	3/29/91	Nonresponse
	051907-00005	Mcpp-K-2 1/2.....	3/29/91	Nonresponse
	051907-00006	Mcpp-K-4 Turf Care.....	3/29/91	Nonresponse
	051907-00007	Mcpp-D-4.....	3/29/91	Nonresponse
	051907-00010	Mcpp Low Volatile Ester 4l.....	3/29/91	Nonresponse
	051907-00011	Technical 2,4-D.....	3/29/91	Nonresponse
	051907-00012	Amine 6d Weed Killer.....	3/29/91	Nonresponse
	051907-00018	A-6 Mcpa Amine.....	3/29/91	Nonresponse
	051907-00019	Mcpa-Na-2.....	3/29/91	Nonresponse
	051907-00020	A-6 Mcpa Amine (mfg.label).....	3/29/91	Nonresponse
	051907-00021	Mcpp + 2,4-D Amine (1 Plus 1).....	3/29/91	Nonresponse
Ant Fire Inc.	052575-00001	Earthfire Vaporizing Fluid Ant Fire Insecticide.....	3/29/91	Nonresponse
Excalibur Inc.	053707-00001	Supercide.....	3/29/91	Nonresponse
Hoechst-Roussel Agri-Vet Co	054382-00002	Hoelon Technical.....	3/29/91	Nonresponse
Kitter Corp.	054384-00001	Kc Lemon Disinfectant.....	3/29/91	Nonresponse
	054384-00002	Kc Pine Disinfectant Cleaner.....	3/29/91	Nonresponse
	054384-00004	Kit-San.....	3/29/91	Nonresponse
Chemsan Inc.	054629-00003	F & D 1045 Concentrated Weed Killer.....	3/29/91	Nonresponse
Cma of Ohio Inc.	054739-20004	Cma Sani 3000-5.25%.....	3/29/91	Nonresponse
Space Chemical Inc.	054808-00001	Mission I.....	3/29/91	Nonresponse
Colcide Inc.	055195-00001	Coldcide - 2.....	3/29/91	Nonresponse
	055195-00002	Coldcide - 10.....	3/29/91	Nonresponse
Australis Pharmaceuticals Inc.	055253-00001	Australian Mela Balm Treatment Shampoo for Dogs.	3/29/91	Nonresponse
Landis International Inc.	055501-00001	The Recipe.....	3/29/91	Nonresponse
Mullis Enterprise	055540-20205	Master Roach Kill.....	3/29/91	Nonresponse
Ecogen Inc.	055638-00007	Condor Of.....	3/29/91	Nonresponse
	055638-00008	Cutlass Wp.....	3/29/91	Nonresponse
	055638-00009	Cutlass Of.....	3/29/91	Nonresponse
Fermenta Plant Protection Co.	055733 TX-88-0004	Bravo 500 Agricultural Fungicide.....	3/29/91	Nonresponse
Kinyei Jochukiku Co., Ltd.	055946-00001	Camello Mat.....	3/29/91	Nonresponse
Aqua Chemical Sales & Delivery, Inc.	056003-20001	Aqua Pure Sodium Hypochlorite Solution 12.5%.....	3/29/91	Nonresponse
Stauffer Household Products	056076-00001	Stauffer Lawn Care Broadleaf Weed Killer.....	3/29/91	Nonresponse
	056076-00003	Special Delivery Crabgrass Preventer.....	3/29/91	Nonresponse
	056076-00004	Special Delivery Spray On Liquid Lawn Insecticide II.	3/29/91	Nonresponse
Chemical Solutions, Inc.	056470-00002	Cm-17.5.....	3/29/91	Nonresponse
Lee County Mosquito Control District	056490 FL-76-0013	Baytex Liquid Concentrate Insecticide.....	3/29/91	Nonresponse
	056490 FL-76-0014	Cythion Insecticide the Premium Grade Malathion.....	3/29/91	Nonresponse
	056490 FL-76-0015	Pyrocyde Fogging Formula 7067 for Uiv Mosquito Adulticide.	3/29/91	Nonresponse
Carnco Mfg. Inc.	056560-00001	T S T Waste Holding Tank Cleaner-Deodorant.....	3/29/91	Inadequate
&Bear Chemicals	056988-00001	Wil-Kil Household Insect Spray.....	3/29/91	Nonresponse
	056988-00002	Wil-Kil Pyrenone Vapo Spray.....	3/29/91	Nonresponse
	056988-00017	Bioresmethrin Liquid Insecticide Spray 0.25% Formula I.	3/29/91	Nonresponse

TABLE A.— PRODUCT LIST—Continued

Registrant Affected	EPA Reg. No.	Name of Product	Date Issued	Reason
The Dial Corp.	057125-00002	Magic Bleach .....	3/29/91	Nonresponse
	057125-00007	20 Mule Power Spray Bathroom Cleaner.....	3/29/91	Nonresponse
Alexander Enterprises	057445-00001	Advantage - 1000 .....	3/29/91	Nonresponse
Orange County Vector Control	057773 CA-80-0159	Chloro Phacinone Bait No. 005 .....	3/29/91	Nonresponse
West Virginia Department of Agriculture	057784 WV-77-0004	Oxcarb.....	3/29/91	Nonresponse
Revamp, Inc.	058013-20203	Roach Block.....	3/29/91	Inadequate
Mcdermott, Will & Emery	058202-00001	Fpz.....	3/29/91	Nonresponse
Campbell Chemicals, Inc.	058284-00002	Camicide Bug Repellent .....	3/29/91	Nonresponse
Wall Associates	058637-00006	Wall's Formula 109 .....	3/29/91	Nonresponse
Proguard Inc.	058866-00007	Kxl - A Combination Year Round Spray-An Insecticide Fun.	3/29/91	Nonresponse
Slack Chemical Co., Inc.	059074-00001	Slack Hypochlor 8% .....	3/29/91	Nonresponse
	059074-00002	Slack Hypochlor 12.5% .....	3/29/91	Nonresponse
Valent U.S.A. Corp.	059639 CA-77-0040	Isotox Lindane Spray No. 200 .....	3/29/91	Nonresponse
	059639 CA-78-0159	Sevin 5 Bait .....	3/29/91	Nonresponse
	059639 CA-87-0020	Orthene 75 S Soluble Powder .....	3/29/91	Nonresponse
	059639 CA-87-0076	Ortho Diquat Water Weed Killer .....	3/29/91	Nonresponse
Florida Celery Exchange	060181 FL-83-0025	Monitor 4 .....	3/29/91	Nonresponse
The Land, Epcot Center	060182 FL-82-0072	Du Pont Benlate Fungicide Wettable Powder.....	3/29/91	Nonresponse
	060182 FL-82-0086	Ridomil 2e.....	3/29/91	Nonresponse
	060182 FL-82-0091	Orthene Tree and Ornamental Spray .....	3/29/91	Nonresponse
	060182 FL-84-0009	Sa-50 Wettable Or Dusting Sulfur.....	3/29/91	Nonresponse
	060182 FL-84-0018	Kocide 101 .....	3/29/91	Nonresponse
Cal - West Seeds	060204 CA-76-0045	Weedar 64 2,4-D Weed Killer .....	3/29/91	Nonresponse
Dan Hata	060210 HI-86-0002	Du Pont Lannate L Methomyl Insecticide .....	3/29/91	Nonresponse
Pacific Bulb Growers Association	060217 CA-87-0038	Du Pont Karmex Weed Killer.....	3/29/91	Nonresponse
Director, Fl Dept. of Agric. & Consumer Svc.	060224 FL-88-0001	Cythion Insecticide the Premium Grade Malathion.....	3/29/91	Nonresponse
Pedro J. Vivoni	060226 PR-87-0003	Maintain Cf125.....	3/29/91	Nonresponse
Quality Technologies	060245 MT-89-0004	Hopper Bait II.....	3/29/91	Nonresponse
U. S. Department of Interior, Fish & Wildlife	060304 NM-88-0002	Compound Drc-1339 98% Concentrate .....	3/29/91	Nonresponse
Microgen, Inc.	061178-00001	D-125.....	3/29/91	Nonresponse
	061178-00002	Public Places.....	3/29/91	Nonresponse
Midland Treatment Systems Inc.	061953-00001	Midland Tankside Microbicide.....	3/29/91	Nonresponse
Fox Packaging, Inc.	062207-00001	Fox-Clor .....	3/29/91	Nonresponse
Dowelanco	062719 CA-77-0532	Treflan E. C. ....	3/29/91	Nonresponse
Kiwi Fruit Commission	063223 CA-79-0058	Imidan 50-Wp Agricultural-Insecticide-Wettable Powder.	3/29/91	Nonresponse
California Fig Institute	958777 CA-87-0013	Roundup .....	3/29/91	Nonresponse

### III. Basis for Issuance of Notice of Intent; Requirement List

On October 6, 1989, EPA issued a Data Call-In Notice (DCI) requiring registrants to submit, within 90 days of receipt of the Notice, the following information for all pesticide products containing active ingredients on List A or B:

1. Copies of current labeling, if a product is not currently being released

for shipment, the labeling most recently used on products released for shipment.

2. A list of any additional uses approved by EPA, use directions approved for those uses, and required use restrictions for those approved uses that do not appear on the submitted labeling.

3. A certification statement (described in the DCI) relating to the information described above.

Registrants are receiving this Notice of Intent to Suspend because they failed

to submit a complete and adequate response to this DCI. Specifically, as stated above, they failed to file any response at all or the information submitted was inadequate.

Dated: March 28, 1991.

Connie S. Musgrove,  
Acting Director, Office of Compliance Monitoring.

[FR Doc. 91-7817 Filed 4-2-91; 8:45 am]

BILLING CODE 6560-50-F

# **federal register**

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Wednesday  
April 3, 1991

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## **Part IV**

### **Department of Transportation**

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**Federal Aviation Administration**

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**14 CFR Part 121**

**Anti-Drug Program for Personnel  
Engaged in Specified Aviation Activities;  
Final Rule; Extension of Compliance Date**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 121**

[Docket No. 25148; Amdt. No. 121-224]

RIN 2120-AC33

**Anti-Drug Program for Personnel Engaged in Specified Aviation Activities****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; extension of compliance date.

**SUMMARY:** This announces an extension of the compliance date under the aviation industry drug testing rule for the submission of anti-drug programs by operators who are not required to hold an air carrier operating certificate or an air taxi/commercial operator operating certificate. Under this final rule, these operators will have an additional 180 days to submit an anti-drug program to the FAA for approval. This additional time is needed to provide the FAA an opportunity to take final action on a recently issued notice of proposed rulemaking that would change the scope of the anti-drug rule. This action extends the otherwise imminent deadline for operators who the FAA has proposed to remove from coverage under the rule.

**EFFECTIVE DATE:** This final rule is effective April 3, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. William McAndrew, Office of Aviation Medicine, Drug Abatement Branch (AAM-220), Federal Aviation Administration, 400 Seventh Street SW., Washington, DC 20590; telephone (202) 366-8710.

**SUPPLEMENTARY INFORMATION:****Availability of Final Rule**

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Inquiry Center (APA-230), 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Requests must include the amendment number identified in this final rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

**Background and Discussion of the Amendment**

On November 14, 1988, the FAA issued a final anti-drug rule requiring

certain aviation employers and operators to develop and to implement an anti-drug program for employees performing specified aviation activities (53 FR 47024; November 21, 1988). The FAA has amended the final rule several times to address implementation problems and clarify the requirements of the rule.

Pertinent to this action, the FAA extended for one year the compliance deadline for operators as defined in Federal Aviation Regulations § 135.1(c) (14 CFR 135.1(c)) (hereinafter "§ 135.1(c) operators") (55 FR 10756; March 22, 1990). The extension was issued because the FAA became aware of the need to reevaluate the inclusion of those aviation operators otherwise excluded from FAR part 121 and part 135 requirements. The operations conducted by these § 135.1(c) operators include student instruction, nonstop sightseeing flights conducted within a 25-mile radius of the airport of takeoff, ferry or training flights, aerial work operations, sightseeing flights in hot air balloons, nonstop flights within a 25-mile radius of the airport of takeoff for parachute jumps, helicopter flights conducted within a 25-mile radius of the airport, rotorcraft operations under FAR part 133, and Federal election campaign flights conducted under FAR § 91.59.

In the notice extending the compliance deadline, the FAA committed to evaluate the need for further rulemaking to remove these operators from the rule. During the past year, the FAA has conducted a thorough review of the appropriate scope of the anti-drug rule.

On February 12, 1991, the FAA issued a notice of proposed rulemaking (NPRM) to exclude § 135.1(c) operators from the anti-drug rule, with the exception of those entities conducting sightseeing operations under § 135.1(b)(2) (56 FR 6542; February 15, 1991). The NPRM established an April 1, 1991, closing date for comments. The FAA will not be able to complete final action on the NPRM until after the April 10, 1991, compliance deadline for § 135.1(c) operators to submit their anti-drug plans to the FAA for approval. Therefore, this action further extending the compliance deadline is needed. Absent an extension, § 135.1(c) operators might be required to undertake unnecessarily the cost and other difficulties of plan submission.

**Reason for No Notice and Immediate Adoption**

This amendment to the anti-drug rule is needed immediately to extend the otherwise imminent compliance date specified in the final rule. The delay of

the date by which these operators must submit and implement an anti-drug plan will relieve a burden on these operators pending the completion of the rulemaking on the scope of the anti-drug rule. For this reason, notice and public comment procedures are impracticable, unnecessary, and contrary to public interest.

Further, as currently provided in the anti-drug rule, the April 10, 1991, compliance date for submission of an anti-drug plan to the FAA by these operators will fall shortly after publication of this final rule. To avoid placing these operators in technical noncompliance with the anti-drug rule, the FAA has determined that good cause exists to make this final rule effective in less than 30 days.

**Economic Assessment**

In accordance with the requirements of Executive Order 12291, the FAA reviewed the costs and benefits of the final anti-drug rule issued on November 14, 1988. At that time, the FAA prepared a comprehensive Regulatory Impact Analysis of the final anti-drug rule. The FAA also summarized and analyzed the comments submitted by interested persons on the economic issues in the final rulemaking document published in the *Federal Register* on November 21, 1988.

This amendment extends the compliance deadlines for operators who do not hold a FAR part 121 or 135 certificate. This spot amendment is cost relieving; that is, it does not impose any costs on these operators. Due to the sparse historical record of accidents caused by drug abuse, it is difficult to accurately estimate the marginal foregone benefits that result by extending the deadline for these peripheral operators. The FAA believes, however, that any potential reduction in benefits as a result of this amendment will be negligible, and therefore has determined that a revision of the comprehensive Regulatory Impact Analysis for the amendment is not necessary and the preparation of a separate economic analysis for this amendment is not warranted.

**Regulatory Flexibility Determination**

The Regulatory Flexibility Act of 1980 requires a Federal agency to review any final rule to assess its impact on small business. The amendment contained in this final rule merely extends by 180 days the compliance deadlines for certain operators. In consideration of the nature of this amendment, the FAA has determined that the final rule will not have a significant economic impact,

positive or negative, on a substantial number of small businesses.

#### Paperwork Reduction Act Approval

The recordkeeping and reporting requirements of the final anti-drug rule, issued on November 14, 1988, were previously submitted to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1980. The OMB approval is under control number 2120-0535. Because this final rule does not amend the recordkeeping and reporting requirements, it is not necessary to amend the prior approval received from OMB.

#### Federalism Implications

The final rule adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, the FAA has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

#### Conclusion

This action extends the otherwise imminent deadline for operators who the FAA has proposed to remove from coverage under the rule. It is needed to provide the FAA an opportunity to take final action on the recently issued notice

of proposed rulemaking that would change the scope of the anti-drug rule.

Pursuant to the terms of the Regulatory Flexibility Act of 1980, the FAA certifies that the final rule will not have a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the final rule will not result in an annual effect on the economy of \$100 million or more and will not result in a significant increase in consumer prices; thus, the final rule is not a major rule pursuant to the criteria of Executive Order 12291. However, because the rule involves issues of substantial interest to the public, the FAA has determined that the final rule is significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 2, 1979).

#### List of Subjects in 14 CFR Part 121

Air carriers, Air transportation, Aircraft, Aircraft pilots, Airmen, Airplanes, Aviation safety, Drug abuse, Drugs, Narcotics, Pilots, Safety, Transportation.

#### The Amendments

Accordingly, the FAA amends part 121 of the Federal Aviation Regulations (14 CFR part 121) as follows:

#### **PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**

1. The authority citation for part 121

continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

#### Appendix I of Part 121 [Amended]

2. By revising Paragraph A(4) of section IX of appendix I to part 121 to read as follows:

A. \* \* \*  
(4)a. \* \* \*

b. Each operator as defined in § 135.1(c) of this chapter shall submit an anti-drug program to the FAA (specifying the procedures for all testing required by this appendix) not later than October 7, 1991. Each operator shall implement its anti-drug program for its direct employees not later than 60 days after approval of the anti-drug program by the FAA. Each operator shall implement its approved anti-drug program for its contractor employees not later than 360 days after initial implementation of the operator's approved anti-drug program for its direct employees.

\* \* \*  
Issued in Washington, DC, on March 29, 1991.

James B. Busey,  
Administrator.

[FR Doc. 91-7854 Filed 3-29-91; 4:35 pm]

BILLING CODE 4910-13-M

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# Reader Aids

Federal Register

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Wednesday, April 3, 1991

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